

**Public Participation in Policy
Networks:
Land Reform and Sustainable Rural
Development in Scotland.**

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Bibliography

Declaration

- a) This thesis has been composed by me;
- b) the work is my own; and
- c) the work has not been submitted for any other degree or professional qualification except as specified.

Siân McGrath

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Abstract

This PhD thesis focuses on local community involvement in policy-making and implementation; in the context of land reform and sustainable rural development in Scotland. In 1998, the newly elected Labour government introduced a varied package of proposals for reforming the legal framework governing how land is owned and managed in Scotland. The new Scottish Parliament took over responsibility for delivering land reform in 1999. The objectives for the reforms were to improve local communities' access to decision-making; and break down the land-based barriers to rural development. To do this they proposed to introduce new laws to encourage more diverse land ownership and use; and to improve levels of community participation in land-based decision-making that affects their interests. The logic behind the objectives was that this was the best way to deal "with damage to the local community or environment which can result from monopoly ownership and of encouraging the fullest possible exploitation of rural development opportunities. Perhaps because they made an explicit link between breaking down the concentrated pattern of land ownership in Scotland, at that time one of the highest in Europe, as a way and improving local communities' opportunities for sustainable development, the reforms were heralded in the media as the most radical since 1886. In the event, the government abolished feudal tenure; established a conditional community right to buy; updated crofting legislation and increased key government agencies' obligations to involve local communities in land-based decision-making.

This research used the land reform package as an active example of public access to policy decision-making. It begins with a brief historic account of the public pressure for land reform in the 19th and 20th Centuries. This demonstrates that negative impacts on local communities' development opportunities have historically motivated grassroots action for land reform in Scotland. When they have been backed by strong public support for their cause, local community interests have forced their way into national policy agendas, and brought about the most significant land reforms of the last two centuries. Resistance to land reform has traditionally come from Conservative administrations and landed interests. This research takes a *policy network* approach to understanding how decisions about land use and ownership are made in post-devolution Scotland. During a national level research project I interviewed members of the national network of groups and individuals that tried to influence the outcome of the land reform policy process. This study demonstrated that the traditionally dominant landed lobby had lost ground, but that it would still take time before direct community interest representatives are fully equipped to take advantage of Scotland's more accessible Parliamentary decision-making system. The next stage of the research involved four case studies of local communities' participation and development opportunities four estates; each owned by one of the four major categories of land owner in Scotland: private, community, conservation NGO and the state. These studies focused on how *policy implementation networks* provide communities with access to decision-making and development at the local level.

Using the policy network approach demonstrated that this approach benefits from looking beyond national policy making networks to the historic roots and lifecycles of the policy framework governing how land is owned and used in Scotland. It looked at how local and national networks influence policy design, implementation and impacts. Comparing estates owned by different types of owner demonstrated that the most significant impact on local communities' development and participation opportunities is who owns the land that they live on.

List of Abbreviations.

ACT	Assynt Crofter's Trust
ACT	Action of Churches Together in Scotland
CAP	Common Agricultural Policy (European Union)
CASE	Caithness and Sutherland Enterprise
CLAG	Community Land Action Group
CLAN	Community Land Action Network
CLU	Community Land Unit of Highlands and Islands Enterprise
COSLA	Convention of Scottish Local Authorities
CV	Curriculum Vitae
DSS	Department of Social Services
EU	European Union
EUCHR	European Union Convention on Human Rights
FC	Forestry Commission
FCS	Forestry Commission for Scotland
FE	Forest Enterprise
FSC	Forest Stewardship Council
FWPS	Farm Woodland Premium Scheme
Ha	Hectares
HIE	Highlands and Islands Enterprise Company
HMSO	Her Majesty's Stationary Office
HND	Higher National Diploma
LEC	Local Enterprise Company
LETS	Local Exchange Trade System
LVT	Land Value Taxation
MBSE	Moray Badenoch and Strathspey Enterprise Company
ME	Moray Estates
MFfST	Millennium Forests for Scotland Trust
MP	Member of Parliament (Westminster)
MSP	Member of the Scottish Parliament

NFP	Not for Profit
NFU	National Farmer's Union
NGO	Non-Governmental Organisation
NOSWA	North of Scotland Water
NSCFT	North Sutherland Community Forestry Trust
NHCFT	North Highland Community Forestry Trust
NTS	National Trust for Scotland
OECD	Organisation for Economic Co-operation & Development
PLC	Public Limited Company
RICS	Royal Institute of Chartered Surveyors
RS	Reforestation Scotland
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SCVO,	Scottish Council of Voluntary Organisations
SEERAD	Scottish Executive's Environment and Rural Affairs department
SEPA	Scottish Environmental Protection Agency
SLF	Scottish Landowners' Federation
SLRC	Scottish Land Reform Convention
SMC	Scottish Mountaineering Council
SNH	Scottish Natural Heritage
SNP	Scottish Nationalist Party
SOPA	Scottish Organic Producers Association
SPS	Scandinavian Property Services
SSSI	Site of Special Scientific Interest
STUC	Scottish Trades Union Congress
SWT	Scottish Wildlife Trust
TAP	The Armadale Project
UK	United Kingdom
UN	United Nations
WWF	World Wide Fund for Nature

CHAPTER 1: Introduction

Section 1: Introduction and Background

Land reform is a contentious subject. A wide network of groups and individuals seek to influence government over its laws and policies on land ownership and use in Scotland. The members of these policy networks form a framework representing differing, and often-competing interests. Their interests coincide with items high on political agendas in the 21st Century, such as environmental protection, social inclusion and rural economic development and regeneration. These interests are interdependent, and each is crucial to government's commitment to delivering sustainable development. The popular concept of sustainable development seems to offer policy-makers and interest groups a common goal.¹ This type of development is described in the Brundtland Report of the World Commission on Environment and Development (WCED) as development which: "meets the needs of the present without compromising the ability of future generations to meet their own needs."² The importance of involving people in decision-making processes, which affect their standard of life is emphasised in this report, as well as in the European Commission's Fifth Environmental Action Programme³ and the United Kingdom Biodiversity Action Plan⁴. Sustainable development and promoting democratic participation in development decisions were also the "twin themes" at the heart of Scotland's land reform package, a set of legal and executive reforms first issued for public consultation by the Labour Government in 1998⁵ and taken up as a part of the Parliament's new legislative programme in 1999. These reforms were finally passed into legislation following a lengthy consultation process under the Abolition of Feudal Tenure (Scotland) Act, 2000 and the Land Reform (Scotland) Act 2003:

"The twin themes of public accountability and community involvement form the basis of the proposed legislation. These proposals reflect this Government's commitment to modernising Scotland and to putting people at the heart of land reform" (Donald Dewar, First Minister).⁶

¹ Organisations representing diverse interests have all recognised the importance of achieving sustainable development, the concept is universally endorsed by international development agencies and NGOs; alongside the UN, the World Bank, the OECD, Environmental NGOs, and Human Rights NGOs.

² WCED, 1987.

³ European Commission, 1992.

⁴ UK Biodiversity Partnership, 1992.

⁵ The Labour Government set up the Land Reform Policy Group in 1997. This group issued two rounds of public consultation documents during 1998 and continued to advise the Parliament on Land Reform policy development, managing the delivery of a further consultation document and a draft bill in 1999 and 2000 respectively.

⁶ Dewar, 1998.

The concept of sustainable development is simple enough: that none of our current activities should irreparably damage the interests and opportunities of future generations. However, the key lies in striking a balance between different economic, social and ecological interests. In the light of the Scottish Parliament's commitment to remove the land-based barriers to sustainable development and to encourage a higher degree of democratic participation for local communities in Scotland, this research focused on public inputs to the development of the Parliament's land reform package; and on local communities' opportunities to participate in decision-making and create better land-based sustainable development opportunities for themselves.

The first stage of this research followed the decision-making processes that led to the final outcomes of the land reform proposals. This included an examination of the national *policy networks* of groups and individuals who tried to influence the outcome of the government's proposals for land reform. This gave an insight into how decisions are made, by whom, and which interests sway decision-making. The Labour Party's manifesto for the 1997 general election included a commitment to deliver devolution and land reform for Scotland⁷. Labour won the election in May 1997; and by October the newly elected Labour party had established the Land Reform Policy Group whose remit was:

"To identify and assess proposals for land reform in rural Scotland, taking account of their...likely impact on the social and economic development of rural communities and on the natural heritage."⁸

By September of the same year, the Scottish public voted to establish a devolved Scottish Parliament in Edinburgh. The new Scottish Parliament was opened on 1 July 1999; and it took over responsibility for delivering land reform in Scotland. From the outset, the land reform proposals stirred up controversy and highlighted, deep political divides between various interests vested in land. The land reform consultation process provided a good point of entry to understanding policy networks in Scotland before and after devolution. This research also extended to cover the local impact of a wide range of other policies; by looking directly at local *policy implementation* networks. This aspect of the research also helped to pinpoint a range of other influences on policy impacts at the local level; these were dictated by local ownership and tenure histories, national institutions and regulatory processes, as well as by different local level networks. The primary research objective

⁷ Labour Party Manifesto, 1997.

⁸ Scottish Office, Feb 1998

was to determine whether the national networks, which influence decisions about land tenure and use, provide a good forum for representing the needs of rural communities and wider society; and to examine the role played by different local level networks in influencing policy implementation and impacts. The methods and approaches used to achieve this objective are outlined in the Methodology (Chapter 2).

The first stage of this research, focused on the national *policy network* that tried to influence the outcome of the government's land reform proposals. The findings are presented in Chapter Three. This Chapter opens with an account of how grassroots action has historically led to significant reforms of the tenure system. It traces the formation of public interest networks from the earliest examples of public pressure for reform to the current interest networks lobbying on land reform. It then maps out the stakeholders in the national networks involved in the land reform debate, identifying their ideological position on the land question; and how they promoted their objectives and interests. Of the options laid before the government, it abolished feudal tenure, delivered a conditional community right to buy, updated crofting legislation; and strengthened obligations for government agencies responsible for state owned land to improve public involvement. This Chapter considers different members of the national network's position on each of these reforms with the exception of crofting. Major crofting reforms were introduced after I had begun my research, so it was not possible to include the views of all the participants in this research on crofting reforms. This Chapter demonstrates that post-devolution decision-making processes were more accessible to the public and less prone to influence and persuasion from the traditional landed lobby, than they had been in the past.

Studying the national *policy networks* provided a background for understanding the impacts of national policy for communities in rural areas. However, there is more to delivering sustainable land-use than reforming our system of land tenure, or streamlining and integrating social, economic and environmental policies. Even within an exemplary structure of policies and interest representation networks; some land owners will be able to achieve more than others. Therefore, following this context-setting research, four case studies provided information about the socio-economic and environmental impacts of land-use under the following types of ownership:

- Private, (Moray Estates Development Company, Moray Estates)
- Public, (Forest Enterprise, Borgie Forest)

- Conservation NGO, (National Trust for Scotland, Glencoe)
- Community (Assynt Crofters' Trust, North Lochinver Estate)

The findings from this stage of the research are presented in the Chapters 4 to 7. These case studies look at the avenues of influence and sustainable development opportunities open to local communities. They identified the key factors that mediate local inputs to policy implementation at the local level. Studying the four main different categories of land owner in Scotland demonstrated that the type of land owner; together with the history of tenure in local areas had the strongest influence over local levels of participation and opportunities for sustainable development. In addition to this, government agencies' approach to involving local communities in local implementation networks also plays a very important part. This research also identified a broad range of other land-based development barriers for local communities, providing local suggestions for improving the accountability of private and conservation NGO land owners; strengthening local community councils; reforming the Planning System and ironing out contradictions in the national policy framework governing land-based development. The case studies also helped to identify the local implications of the proposed land reforms.

The final chapter draws together the full set of recommendations about how to remove the barriers to sustainable rural development made by local community members who took time to help with this research. One of the strongest barriers identified by local people was a lack of available land for housing or for small-scale developments by individuals or communities. Whilst the community right to buy is a positive step forward, this Chapter provides examples – from the perspective of local communities – of a wide range of other legal and executive reforms that the Parliament could introduce to break down the land-based barriers to rural development. This chapter also considers the usefulness of policy network theory as a lens on policy decision-making systems; and highlights the lessons learned from applying this theory to the land reform process in Scotland.

Research Objectives

The overall objective of the research was to understand the impacts of the legal framework governing land-based development and tenure on local communities' access to natural resource based development and decision-making. To this, I set out to identify the role played by government policies and institutions, and to pinpoint further influential conditions and factors. In the context of

the theoretical framework provided by the various policy network theories studied here, the research was also designed to illustrate how policy network theories aid policy analysis in a complex area like land reform. Likewise, this research provided empirical examples of how current network theories could be adapted or improved to provide a stronger mechanism for understanding and evaluating policy change and related policy impacts.

To achieve my research objectives (outlined in more detail in Chapter 2), I was guided by the following research questions:

1. Do national stakeholder networks represent an accountable, inclusive and representative forum for balancing the *national public's* wide-ranging social, economic and environmental interests in land-based sustainable development?
2. How well do national networks represent *local communities'* changing social, environmental and economic land-based needs and interests?
3. What characteristics, resources and objectives give national network members influence over decision-making processes?
4. How do network interactions, policies, institutions and land ownership influence local communities' access to decision-making and development opportunities under the current system? Which one has the strongest influence?
5. What else controls local communities' access to decision-making and benefits?
6. What is the relationship between local community involvement in decision-making networks and their collective development opportunities?
7. What is the likely impact of the land reform proposals for the communities studied here?
8. How can methods and mechanisms for public involvement and consultation be improved to help deliver more sustainable development opportunities for rural communities?

Introducing the Land Reform Bill.

International definitions of land reform relate to changes in legal frameworks to modernise national land laws. The practical aim for most of these changes is to redistribute land, alter the size of land-holdings and adapt existing land tenure conditions⁹. Under the most standard definition, land reform

⁹ Pers Comm. Andy Wightman, Specialist Adviser, Scottish Land Reform Convention. See also Meinzen-Dick and Di Gregorio, 2004.

entails “the redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers”.

There are common drivers for land reform. Some national land reform programmes have been explicitly designed to redress recognised injustices caused by the ability of ruling or elite minorities to expropriate the benefits of land ownership and use at the expense of the majority. Obvious examples include land reforms intended to redress the highly inequitable distribution of land ownership fostered under the apartheid era in South Africa and British colonial rule in Zimbabwe; following these countries’ transitions from minority rule¹⁰.

Whilst not all land reform programmes are explicitly designed to redress historical injustices, a common national objective for land reform is to support socio-economic development by diversifying access to land ownership and use. This objective is supported by a strong body of research indicating the potential of land reforms to overcome market failure; increase productivity and deliver greater equity in the division of benefits from land ownership and use¹¹. However, some analysts have commented that defining land reform simply as redistribution of land to overcome market failure and secure greater equity and productivity “is a narrow definition, reducing land reform to its simplest element (Warriner, 1969)”¹². This definition is also based on the widely accepted premise that *successful* land reform “effectively places land and the decisions over its use into the hands of the tiller”¹³; or deliver benefits to *individual* labourers, tenants and farmers.

Drawing on the international literature on community-based natural resource management and development initiatives, Bryden and Geisler conclude that this predominantly “technical, legal and economic” focus on land reform should be extended to consider its potential as an instrument that can deliver wider objectives and collective benefits¹⁴. Using the Scottish land reform package as an

¹⁰ Adams, 1995 gives a brief, but useful overview of the global drivers behind land reform processes in Africa, Asia, the Middle East, and Latin America. For accounts of redistributive land reform processes in South Africa and Zimbabwe see: Moyo, 2003; and Deininger et al, 2004.

¹¹ MacMillan, 2000 outlines the ways in which land reform and other policy changes could overcome market failure in Scotland. Warriner, 1969; Dovring, 1970 Canto, 1985; Powelson et al. 1987, Binswanger and Deininger, 1993; Deininger, et al 2004 all indicate that land reform programmes can lead to greater productivity, give more incentive for farmers and former tenants/labourers to invest in land, achieve greater equity in the distribution of natural resource based benefits; and, in some cases, increase local people’s access to political decision-making.

¹² Adams, 1995.

¹³ Powelson et al. 1987.

¹⁴ Bryden and Geisler, 2005

example, they encourage analysts to consider the wider development potential of land reform. Based on the Scottish experience, they focus instead on “community-based land reform”, which incorporates wider objectives such as participatory community-based natural resource management and grass-roots community development; alongside the more traditional objectives of achieving greater equity for landless individuals.

It is widely accepted in the literature that the distribution of land and the regulations governing access to land-based benefits have a significant impact on sustainable rural development opportunities for local communities all over the world.¹⁵ The case is no different in Scotland.¹⁶ The national legal framework governing land tenure in Scotland sets the framework for allocating and distributing rights to control land-use, and these have a profound effect on rural development opportunities.¹⁷ A wide range of policies for land-use are mediated through the legal structure of land tenure; and they also have a strong impact on local development opportunities.

“How does a society shift from concentrated power over land and labour (either state or private) to a dispersed tenure system?”¹⁸ This seminal academic question was tackled in a very practical sense by the Land Reform Policy Group, when they were tasked with coming up with modern policy solutions to the problems of breaking down the highly concentrated pattern of land ownership in Scotland. However, their remit went further, recognising that successful land reform is about more than redistributing land, and they looked for solutions that would incorporate community-based natural resource management and community development goals within a land reform package.

This research focuses on the land reform proposals developed by the land reform policy group under the aegis of the New Labour government between 1997 and 1999; and when the Scottish Parliament took over responsibility for delivering land reform following devolution. In recognition of the fact that a wider range of issues beyond ownership will have an impact on local development opportunities; this research also looks farther afield, at the wider range of land-based policies affecting local development; together with existing local opportunities for public participation in policy-making and practice via local decision-making networks. References in this thesis to “land-based” policies refer to legislation designed to control natural resource based development activities.

¹⁵ See for example Ostrom, 2004 and Meinzen-Dick and Di Gregorio (eds) 2004.

¹⁶ Bryden, 1996.

¹⁷ Wightman, 1999.

¹⁸ Powelson et al, 1987.

The land reform policy group was given the task of coming up with a land reform bill that would remove the “land based barriers to the sustainable development of rural communities”, by *diversifying land-use and ownership*; and creating more opportunities for public involvement in land-based decision-making¹⁹. Diversifying land-use and ownership involves changing the distribution of land between different owners. This has historically proved to be a politically difficult undertaking in any country. This group’s work kick started what became drawn-out and sometimes fraught four-year decision-making process. The consultation papers and deadlines, and the number of public responses received are listed in the table below.

TABLE 1
Public Consultations over Land Reform: Timetable

Issued:	Title:	Deadline:	# Responses:
Feb 1998	Land Reform Policy Group: Identifying the Problems	30 Apr 1998	364
Sep 1998	Land Reform Policy Group: Identifying the Solutions	30 Nov 1998	846
Jan 1999	Land Reform Policy Group: Recommendations for Action	Update only	N/A
1 Jul 1999	New Scottish Parliament Opens		
Jul 1999	Land Reform: Proposals for Legislation	17 Sep 1999	543
Feb 2001	Land Reform: The Draft Bill	22 Feb 2001	3,528

The original proposals were primarily targeted at altering the legislation governing land ownership, and access to land. However, "it is clear that land reform is not a matter of a few isolated changes."²⁰ Therefore, the proposals also included legislative and executive changes to the system of land ownership. They proposed to address the issue of improving public access to land-based decision-making by increasing the non-legislative obligations on key government institutions to improve standards of public involvement in their land-based policies and practice. The debate over land

¹⁹ The Scottish Office, Feb 1998.
²⁰ Ibid.

reform opened up the issues of public participation, development rights and land ownership to public scrutiny. The media gave good coverage to the heated land reform debates that ensued. By the time Parliament issued the third round of consultations, in July 1999, it maintained a public commitment to deliver the following objectives:

“...less concentration of ownership and management in a limited number of hands, particularly at a local level, as the best way of encouraging sustainable rural development; and increased community involvement in the way land is owned and used, so that local people are not excluded from decisions which affect their lives and the lives of their communities.”²¹

Despite forceful opposition from the traditional landed lobby, the Scottish Parliament still had not backed down from the key commitment to tackle the highly concentrated pattern of ownership in Scotland. The proposals for legislation included legislative changes aimed at achieving the following:²²

- a power to allow time to assess the public interest in sales of major properties, to be focused on areas where remote fragile communities need special help and protection;
- provision for a community right to buy when land above a certain scale comes on the market, allowing suitable community groups to buy at a price to be set by a government-appointed valuer;
- a new power of compulsory purchase in the public interest, to deter evasion;
- a reserve power for Ministers to investigate where there are uncertainties about who ultimately benefits from a particular property, to underpin the generally voluntary approach to information about land;
- a power to support the creation of a publicly accessible database on landholdings; and
- a right of responsible access to land, taking account of privacy, land management and conservation needs.

On the executive reform front the Parliament continued with the pledges introduced by the Labour government; which had signaled the following actions and objectives (quoted in full):

²¹ The Scottish Office, Jul 1999.

²² Adapted and summarised from The Scottish Office, Jul 1998.

- setting up a substantially enhanced Lottery-funded land fund, and asking Highlands and Islands Enterprise (HIE) to set up a community land unit;
- setting new requirements for public bodies who own land to increase local community involvement;
- signalling to local authorities and other public bodies the Government's support for the use of existing compulsory purchase powers; and
- developing codes of good practice for land ownership and on rural land-use²³.

The government also proposed further study of a number of other issues. It indicated that a second phase of legislation might result from these studies. These included a commitment to evaluate the impact of new planning guidance on rural development; to conduct a review, with a view to reform, of the law of the foreshore and seabed; and to evaluate the possible economic impact of moving to a land value taxation system in Scotland.

All of the executive requirements, and the first four legislative changes directly related to the focus of this research, as they dealt with issues directly relevant to public participation and best practice in land ownership and use. However, the final two legislative changes are not covered by this research. Access to land is highly relevant to our current understanding of the public interest in the recreational and amenity value of land. However, the focus of this research is on local communities' sustainable development opportunities, and wider public access to decision-making that affects patterns of land distribution and use. In this context, physical access for recreation is one issue amongst many. The Access debate generated over 80 percent of the public responses to the Draft Land Reform (Scotland) Bill published in February 2000 and has been well-documented elsewhere. Whereas, when this research was designed, there was less research looking specifically at the implications and rural development potential provided by the land tenure system and how this shaped local communities' participation in, and access to sustainable rural development opportunities.

The development of the Land Reform proposals illustrated the new Parliament's thinking on the relationship between land tenure and the sustainable development of rural resources in Scotland. In summary, "the objective for land reform is to remove the land-based barriers to the sustainable development of rural communities" (Scottish Executive, January 1999). Barriers included breaking

²³ Ibid.

down the monopoly of land ownership in the hands of too few at the expense of rural communities²⁴. Throughout the process of developing the Land Reform Bill, there has also been a clear emphasis on promoting accountability and community access to decision-making. This reflects the new Scottish Parliament's political commitment to give Scotland a new, more accountable style of government. The land reform decision-making process was hailed as "an unprecedentedly open one"²⁵. The consultation process involved visits by the Land Reform Policy Group (LRPG) and the Rural Affairs Committee to rural communities who had purchased their own land.²⁶ The LRPG held seminars with local communities from St. Boswells to Benbecula, and the process attracted record numbers of responses to each phase of public consultation. Despite the hard work to achieve consensus over the new plans, the final proposals included in the Draft Bill by 2001 were described to me by one national network member as an example of how the government's proposals had "broadened out" to include more and more perspectives as they proceeded; by another as "completely watered down" and by yet another as "no different whatsoever from the first proposals". The process of trying to involve the public in developing land reforms for Scotland was subject to controversy.

A year *before* the first public consultation document was published, the new labour government had already made good on its promise to deliver some of its executive reforms. The labour government had already set up the Community Land Unit in 1997 "to give advice and support for community land purchases and other ways to increase community involvement...to help them assess and then exploit suitable development opportunities."²⁷ The proposal to set new requirements for state land owning agencies to improve their record on local community involvement also started to take effect almost immediately. Scottish Natural Heritage (SNH) and the Forestry Commission set about commissioning research on community involvement and developing new guidelines for community participation almost as soon as the announcements were made. The Royal Institute for Chartered Surveyors also convened a representative forum of public and non-public land owners to begin work on what became a voluntary code of good practice for land ownership and rural land-use. This mostly related to giving the public recreational and amenity access to land. In line with the government's commitment to support and encourage more community land ownership, by February 2001 the New Opportunities Fund, the largest national lottery distributor, had launched the Scottish

²⁴ Scottish Executive, Jan 1999.

²⁵ Jim Wallace, in the foreword to the draft Land Reform Bill, see: The Scottish Executive, Feb, 2001.

²⁶ Whilst discussing one of these visits, a local community member told me that they were very impressed by the fact that the government was taking time to hear first hand accounts from local people in rural areas, but what most impressed them was the sight of Jim Wallace in a pair of welly boots.

²⁷ Dewar, 1998.

Land Fund to support “the purchase, development and management of local land”²⁸. This was launched at the same time as the draft Land Reform Bill was introduced to Parliament.

As well as amending crofting legislation to give crofting communities a stronger right to buy, the draft Bill included a major legislative change to give all local communities a conditional right to buy land. The conditions included a requirement that they pre-register an interest in land six months before the land was put on the market. Their pre-registration would then be accepted by the Scottish Executive if they could demonstrate that they had the democratic backing of a fully constituted local community Trust, and could provide suitable business plans demonstrating the feasibility and potential impacts of their purchase on social, economic and environmental development on the land. Once their pre-registered interest was accepted they could then buy the land “as lotted by the seller” at a market value to be determined by the district valuer; if it came on the market. They would have a six months’ stay of execution to help them raise the money for the purchase. The proposal to allow communities to buy only land “above a certain scale” was dropped and communities can buy any size of landholding under the new legislation. The new compulsory purchase power “to deter evasion” was limited to cases where a landlord could be legally proven by the local community to have sold the land without notifying them and triggering their right to buy²⁹. When this research was written up, the reviews of planning guidance, land value taxation impacts and the law of the foreshore and seabed were ongoing³⁰.

This research focused on the development of these proposals to determine how the public interest in land was represented by the national and local networks that work together to make and implement land-based policy in Scotland. Given the focus of these proposals on encouraging community land ownership and participation in land-use, some members of parliament and civil servants have stated that more research into the barriers, advantages and challenges presented by community participation in rural development would be an advantage³¹. I hope that this research will contribute to understanding the implications of community land ownership and the benefits and challenges of community participation in land management. Unless otherwise stated, references to “the land reform

²⁸ New Opportunities Fund, 2003.

²⁹ All details about the conditional community right to buy drawn are drawn from Scottish Executive, Feb 2001.

³⁰ Pers comm. Colin Gray, Land Reform Branch, Scottish Executive Environment and Rural Affairs Department, March 2005.

³¹ Pers comm. Nora Radcliffe, MSP, June 2000; Douglas Greig, Head, Land Reform Policy Group from 1999, May 2001.

proposals” in the following Chapters relate to the proposals as they stood in July 1999, outlined in the government’s “Land Reform: Proposals for Legislation”³² to provide information about the proposals following three rounds of public consultation. The following section outlines the theoretical approach to this research.

Section 2: Theoretical Approach – Discourse, Ideology and Policy Network Analysis

Both the New Labour Government the new Scottish Parliament, which took over the land reform process in 1999, made explicit commitments to promote better public participation in decision-making³³. These commitments “implicitly acknowledged the growing importance of policy networks and communities, and suggested a commitment to developing more extended networks, incorporating new categories of actor”.³⁴ A key concern of this research is how the new Scottish Parliament responded to the challenge of opening up policy decision-making process to a wider range of actors. In this context, the study of policy networks, through which different actors compete, each representing a different element of the public interest in land; offers a logical way of assessing how well the wide ranging public interest in land was represented during the land reform process in Scotland.

Focusing on networks also offers an opportunity to identify influential factors such as the different discourses, interests and ideologies driving network members. Comparing the different factors driving local and national network members gives an insight into how well the national networks function as a representative forum for inclusive and democratic decision-making. Having done this it should be possible to determine whether these networks could be opened up to allow a wider range of stakeholders with different interests and ideological positions access to the networks; to mediate a more balanced, inclusive, adaptable and sustainable approach to policy making.

The policy network approach emphasises the importance of studying the interaction of groups and individuals seeking to influence policy. It is built on the premise that comprehensive explanations of

³² The Scottish Executive, Jul 1999.

³³ The Scottish Parliament’s commitment to public involvement is outlined above; see Cabinet Office, 1999 for the New Labour government’s public commitment to public participation and democratic involvement in policy-making.

³⁴ Newman, 2001.

policy-making do not emerge solely from approaches, such as *new institutionalism*,³⁵ which looks at the institutions and processes officially tasked with making policy. Instead it focuses on a wider range of stakeholders, described as *policy networks*, *issue networks* and *policy communities*, which are “seen as the interaction of political administration and interest groups.”³⁶

Network theories developed in part from observations of changes in government decision-making processes, whereby “relatively stable sets” of state and civic or private organisations were increasingly seen to collaborate with government institutions over policy issues on a regular basis³⁷. These stable sets or *policy networks* became the focus of network theorists seeking to understand policy outcomes. Initially network theorists worked with a definition of different types of policy networks modelled on a linear continuum stretching from an *issue network* to a *policy community*.³⁸ Under this definition, sometimes referred to as the Rhodes model³⁹, policy communities are said to be closer to the centre of influence over decision-making, with issue networks lying on the periphery, making them less effective.

Some confusion abounds over precise definitions distinguishing policy networks from issue networks or policy communities⁴⁰. However, it is now generally accepted that policy networks are comprised of “clusters of actors, each with an interest, or ‘stake’ in a given policy sector and the capacity to help determine policy success or failure”⁴¹. Coleman and Perl added depth to the definitions developed under the Rhodes model. They distinguish policy networks from communities using two separate analytical “dimensions”, which they argue network theorists have used to study horizontal coordinating governance by networks. The first dimension is defined as the “degree and pattern of integration” between *policy community* members. The second dimension is defined as “the manner in which public power is shared between state and civil society actors”, or between members of a policy network⁴². In this typology, *policy communities* can be likened to sub-systems of actors who share common beliefs and objectives; operating within wider policy networks encompassing all the actors with varied interests or stakes in a policy issue. Overall, *policy networks* encompass better-

³⁵ March and Olsen, 1984 & 1997; Jordan 1990; Lowndes, 1996; Klijn and Koppenjan 2000.

³⁶ Jordan and Schubert, 1992.

³⁷ Coleman and Perl, 1999, Peterson, 2003.

³⁸ Hogwood, 1986; and Rhodes and Marsh, 1992; Jordan, 1981; Jordan and Schubert, 1992.

³⁹ Peterson, 2003. Bache, 2004; Toke, 2000; and Bache and Marshall, 2004.

⁴⁰ Peterson, 2003 points out that different scholars have used opposing definitions of policy communities and policy networks. See also Coleman and Perl 1999.

⁴¹ Peterson 2003.

⁴² Coleman and Perl, 1999.

resourced *policy communities*, with shared objectives and goals; and looser *issue networks*, who are less well-resourced and represent peripheral interests.

By focusing on these two dimensions, Coleman and Perl encourage network theorists to consider the dynamics of a network *and* its function as a means of sharing power between the state and different private/civic interest representatives. This research focuses on *policy networks*, which can be described as mediating between state and society in policy making processes. These networks encompass different sub-sets of actors and coalitions of groups and individuals who have different levels of integration within the networks; and who share different levels of power and influence over decision-making processes.

Initial work on policy networks and communities was criticised by analysts who felt that it did not make explicit links with policy outcomes⁴³. However, there is a general implication in policy network literature that *policy communities* deliver more stable policies (because of their shared ideologies, exclusive membership and equal levels of bargaining resources). In direct contrast, *issue networks* are responsible for more “ad hoc” policies resulting from members’ conflicting ideologies, open membership and uneven levels of resources.⁴⁴

Carsten Daugbjerg challenged this view of the relationship between network types and outcomes. In his study of policy networks’ influence on environmental policy making in Denmark and Sweden, he demonstrates that “network analysts have not convincingly shown the importance of the network concept in public policy analysis.”⁴⁵ He argued that not enough attention was given to the relationship between different policy networks and actual policy outcomes. He felt the issue was “under-researched”, although he does acknowledge Smith’s work in this area. Smith makes the valuable point that the established or stable nature of policy communities, means that they favour the *status quo* which ‘limits the range of available solutions.’⁴⁶ Issue networks are more flexible and, therefore, better adapted to consider new issues on the policy agenda. Daugbjerg’s research confirms this theory.

⁴³ Dowding, 1995 and Blom-Hansen, 1997 and Pemberton, 2000 all provide critiques of the policy network approach, each stating that network approaches fail to provide satisfactory accounts of the causal links between policy networks and policy outcomes/change.

⁴⁴ Jordan, 1990; Jordan & Schubert, 1992; Marsh and Rhodes, 1992. Ansell et al, 1997

⁴⁵ Daugbjerg, 1992.

⁴⁶ Smith, 1993.

Smith also argued that analysts did not relate specific outcomes with specific policy types. Network analysts were preoccupied with developing definitions for the operation of network actors, and did not pay enough attention to the connection between these actors and their choice of policy types.

Daugbjerg made one of the first important contributions to addressing this shortcoming. He used an empirical case study to indicate a causal link between network types and final policy types. In his view this demonstrates that issue networks can produce more flexible policies that are better equipped to serve the public interest than policy communities. Issue networks carry a degree of advantage. They provide a forum for a wider set of interests to be represented, opening up the policy system to new ideas and methods of tackling policy issues⁴⁷. Although work such as Daugbjerg's illustrated and indicated a way of addressing a weakness in the network approach, by relating policy outcomes to different types of network, Daugbjerg does state that a "policy network will develop in relation to a policy or set of related policies when political actors exchange resources regularly."⁴⁸ With this observation he subscribed to a common assumption concerning the evolution of networks: members' access to policy networks and subsequent bargaining powers are governed by the level of resources available to them. They trade on these resources to gain access to the core decision-makers and influence policy outcomes. Resources are generally quantified as finance and professional or scientific expertise. This assumption has been challenged, with analysts such as Jost and Jacobs arguing that the "ability of a policy actor to influence a decision depends on several sources of power"⁴⁹. Amongst these sources, the ability to marshal public opinion and/or demonstrate a strong democratic mandate for their position is also a key condition underlying actors' ability to influence policy-making⁵⁰.

My Masters Dissertation case study focused on the policy networks, which attempted to influence the planning application to build a Funicular Railway in the Cairngorm ski area.⁵¹ This research also demonstrated that whilst resources such as finance and expertise *did* play a part in the outcome of the decision-making process, access to the network was not necessarily dependent on any exchange of resources between members. My research on the national *policy networks*, which sought to influence the land reform debate, also demonstrated that finance and scientific expertise were not the sole

⁴⁷ Howlett, 2002.

⁴⁸ Daugbjerg, 1992.

⁴⁹ Jost and Jacobs, 2004.

⁵⁰ Perkin and Court, 2005.

⁵¹ McGrath, 1999.

influence over the outcome of the decision-making process. Instead subsequent bargaining power was not only governed by the resource-wealth of the members, but by structural, cultural and institutional factors, such as statutory powers, legislative remits, and the ability to marshal public opinion. More importantly, this research also found that historical influences also play a part in shaping the policy agenda and the eventual impacts of policy decision-making.

What also plays an extremely important part in relation to the success of members in achieving influence over decision-making processes is the commitment of members to their objectives. This contradicts an aspect of Daugbjerg's findings, where he asserts that "the choice of instruments rather than of objectives is the core of the policy process."⁵² This finding is also supported by Sabatier and Jenkins-Smith's study of "policy-oriented learning" amongst "*advocacy coalitions*", or coalitions of likeminded lobbyists within the in policy-making networks in the United States. They also found that whilst network members demonstrated an ability to negotiate with other network members and adapt their advocacy accordingly, their capacity for policy learning or adapting their policy stance was limited by their core ideology. Shared ideologies were the "glue" that bound groups advocating different positions, and gave a benchmark for predicting the degree to which different actors would adapt their stance in order to achieve consensus on a particular issue. As a result they argue "because of resistance to changing core beliefs...Changes in core elements of public policies require the replacement of one dominant coalition by another."⁵³

Jost and Jacob analysed the climate change policy network in Germany, using the advocacy coalition framework and network approaches as a framework for analysis. In line with Sabatier and Jenkins-Smith's theory, they concluded that a "crucial point determining whether or not the political system is able to respond to environmental challenges proactively seems to be the degree of integration of leading societal actors into the policy making process and their capacity *to build coalitions*"⁵⁴. An inability to build coalitions between competing groups working from different ideological premises can lead to fragmentation and conflict within policy-networks. This, they argue, will ultimately compromise the success of the final policy outcome. By looking beyond a narrowly defined typology of networks and members' resource characteristics; and studying the nature and frequency of interactions between members of a particular policy network, they counter Dowding's⁵⁵ criticism

⁵² Daugbjerg, 1992.

⁵³ Sabatier and Jenkins-Smith, 1993.

⁵⁴ Jost and Jacob 2004.

⁵⁵ Dowding, 1995.

that policy network theories failed to provide predictive insights into the outcome of policy processes.

The policy analysts reviewed here focus on networks involved in initial policy-making – lobbying over policy outcomes, or the final words on the page of a law or policy. The following case-studies demonstrate that land tenure policies do have a profound impact on local development opportunities by setting the framework for who has access to land. However, other factors influence impacts. These include the land owner's objectives, local discourses on land use and institutional processes for implementing a vast range of policies (notably the planning system and environmental policies); which will also have a significant impact on local development. On the ground, policies are just one part of a complex web of factors influencing policy impacts; and these are mediated via local *implementation* networks:

“The image of the ‘policy implementation network’ can be used to convey the idea of highly differentiated and complex array of public and private organizations that are involved in the translation of the policy intentions of the national political community into appropriate measures or actions for the realization of these objectives ‘at the level of the consumer.’”⁵⁶

This focus on implementation also highlights a new type of policy network, described in my Masters research as a *conflict network*, which evolves for a combination of reasons during national policy-making and local policy-implementation. Some members enter this type of network because of their commitment to influencing a decision about policy formation or implementation. Others enter because their statutory remit requires their presence. A broader range of factors than their respective levels of resources determines their level of influence.

Smith also recognised this need to set policy network analysis in a broader context. “The influence of pressure groups does not derive from the financial resources available to them, but from the historical, ideological and structural context within which they operate”.⁵⁷ However, he also maintained the rigid distinction between policy communities and issue networks set by the Rhodes model; and therefore limited his analysis to determining that the most stable policy outcomes (words on the page of a law or policy) will be delivered by core *policy communities*. The focus is still primarily on the interaction of groups within a network as a means of understanding decision-making. He states that the “important variables in understanding decisions are the nature of the

⁵⁶ O'Toole et al., 1997.

⁵⁷ Smith, 1993.

relationships that exist between groups and the state”.⁵⁸ However, land tenure policy does not operate in a pristine environment. Instead its impacts are mediated by market requirements and the requirements set in other policy fields, such as the planning system, environmental and economic development policies. Hence, the activities of networks of organisations and individuals at the local level are extremely important, but equally important is the procedural web of different policies that come into play when a policy is implemented.

Policy network analysis is very useful because it can be used to identify the balance of interests represented in decision-making. These interests reflect the primary issues that are important in a particular policy field. Measuring the balance of interests at different stages of the decision-making process – from policy design to impact - gives a good insight into the influence of each interest over the outcomes of policy making and implementation. The following studies confirm that while there might be equilibrium across the interests attempting to influence decision-makers, structural advantages owned by government and more established lobbyists can effectively ensure that the final outcome is not always informed by a balanced set of interests. This demonstrates the importance of giving equal attention to the role of these non-actor influences in decision-making, which are often not given enough weight in current network approaches (e.g. history, other policies and institutions).

Adding a Normative Dimension to Policy Analysis

As well as placing policy analysis in its real-world context by including stakeholder interactions alongside important socio-legal, historical and institutional influences; it is important to place it in a theoretical or conceptual context. This strengthens the normative dimension of policy analysis, providing a framework for understanding not only how decisions are made but also what the implications of these decisions are for stakeholders and the public interest.

Each member of the networks studied here agreed that sustainable development was a good objective. This indicates that this concept could provide a normative framework for analysing decision-making about land-use and tenure. However, as these case studies demonstrate, there is widespread disagreement about how to implement policies to achieve sustainable development in practice. In an article on the importance of promoting democratic participation in environmental planning decisions, Healy points out that:

⁵⁸ Ibid.

“The contemporary rediscovery of environmental planning is fuelled by a widespread...concern with managing economic development, enriching cultural life, avoiding polarising and segregating tendencies in life styles and life opportunities, and undertaking all these within an attitude to the natural environment which is both respecting and sustaining of long-term ecological balances. The general purposes of environmental planning situated in this context are to balance these *connecting but often contradictory* aims.”⁵⁹ (Italics added).

These same “connecting but often contradictory aims” are likewise present in attempts to find a balanced representation of the public interest in decisions about land-use and tenure. Advocating a “larger dose of normative thinking about how to design networks that are efficient and legitimate”⁶⁰ add a new line of investigation: How well do networks serve the public interest? Do they help to resolve these “connecting but often contradictory aims” by delivering an optimal balance of environmental, social and economic interests? If decision-making processes that include a wide range of actors deliver better policy outcomes, what are the conditions that lead to the evolution of effective and open *policy networks*?

Jurgen Habermas’s theory of communicative action states that the modern capitalist state has an entrenched presumption in favour of economic interests in current decision-making structures. Since the Enlightenment, we have learned to measure what is rational and what is not by using standardised economic and scientific means. However, non-economic and non-scientific values, such as environmental and cultural interests also contribute to social-wellbeing but they cannot be expressed in these terms. As a result they lose priority in social structures designed according to the logic of economic and scientific efficiency, productivity and consumption. Furthermore, voter apathy indicates a “democratic deficit”, fuelled by society or communities’ alternative worldviews. These world views comprise spiritual, environmental and social values alongside economic concerns. The power structures dominating contemporary western society do not do enough, Habermas argues, to uphold these social and environmental public values.

The Church’s role as custodian of spirituality in the developed world has weakened over the last century. Public confidence in the traditional establishments of Church and State has waned. In the void left behind by this democratic and spiritual deficit, people turn to “new age” religions &

⁵⁹ Healy, 1992.

⁶⁰ Peterson, 2003.

philosophies.⁶¹ They also express the full range of their values by investing financial and moral support in environmental and social NGOs. In Habermas' view, the wealth, power and influence of NGOs representing public interests has increased exponentially in the last three decades because they offer alternatives to the economic determinism pursued by the modern capitalist state. Whilst some analysts argue that there is still much to be done to increase the level of importance given to ecological or environmental issues in policy decision-making⁶²; the power and influence of environmental and social science experts and NGOs within traditional policy communities is undeniably on the increase⁶³.

This might indicate that policy networks are evolving in a positive direction when it comes to providing a mechanism for inputting a balanced range of public interests to state decision-making. However, there are still contradictions and battles between various network representatives working to promote economic, social or ecological interests.

In this context, Evans provides a useful warning against rigidly applying ever-more precise definitions and distinctions for policy networks and policy communities. He reminds us that: "Policy networks should be viewed as part of the broader social world and are always in a state of becoming. They are not fixed and determinate entities. Their major features – power dependency, goals, dominant coalitions and appreciative systems, processes of exchange, rules of the game...are the outcroppings of the process of social construction". He stresses the importance of taking a dialectical perspective, which focuses on the social processes and mechanisms governing the evolution of networks as social constructions⁶⁴.

Taking a similar approach to land-based decision-making processes in rural England, Kitchen focuses on how local actors form networks try to influence and control local policy implementation and national policy-making. He observes that local actor networks compete to influence local policy implementation and formation by attempting to claim ownership of the dominant discourse interpreting and defining the rural landscape. This "competition for meaning" is a useful way to understand how network evolution is framed by existing institutional, legal and social norms, whilst also determining the future socio-legal and institutional frameworks which set the parameters

⁶¹ McIntosh, 2001.

⁶² Brulle, 2000,

⁶³ Van Der Heijden, 1997; Alario, 2001; Brulle, 2002.

⁶⁴ Evans, 2001

governing evolving networks' levels of integration and access to decision-making⁶⁵. Noragric also identified contradictions between local discourses on landscape and development as the root of conflict within local *networks* who came into serious conflict over HIE's plan to introduce community-based development on the Orbost estate on Skye⁶⁶.

Healy uses Habermas' *discourse principle*⁶⁷ to argue that these types of contradiction can only be resolved via open and participatory approaches to decision-making. Her position is similar to Michael Mason's thesis in *Environmental Democracy*, and Keller and Pöferl's use of Habermas' discourse principle to critique environmental policy-makers' failure to bring stakeholders on board early enough to prevent stakeholder conflicts in Germany⁶⁸. Simply stated, the discourse principle is a philosophical premise that asserts that rational individuals can reach a reasonable consensus if they enter into dialogue with an attitude of mutual respect and understanding for other people's opinions. Mason uses this concept as the basis for developing a theory of environmental democracy. This theory advocates democratic participation in decision-making as the only way to guarantee the delivery of sustainable policies that respect individual rights to economic and social well-being as well as a healthy ecological environment.

The rationale behind this approach reflects the World Commission on Environmental Development's comment cited above that the natural, social and ecological dimensions of the human environment are interdependent. Given this interdependence, Mason draws the sensible conclusion that the success of policies is dependent on the degree of involvement offered to all stakeholders. If they subscribe to the objectives of a policy because they "have had a fair opportunity to influence the relevant decisions, giving them good reasons to support democratic norms" then the policy is more likely to be successful.⁶⁹ Jost and Jacob also support this theoretical stance when they make the observation that it is the state's capacity to mediate between and include a wider range of policy actors in their decision-making processes on a regular basis, which will ultimately dictate the success of final policies⁷⁰. Public involvement breeds compliance.

⁶⁵ Kitchen, 2000

⁶⁶ CIEDS, 2002

⁶⁷ Habermas, 1981.

⁶⁸ Keller and Pöferl, 2000.

⁶⁹ Mason, 1999.

⁷⁰ Ibid.

In a similar vein, Roger Payne applied the discourse principle in his analysis of the networks involved in international environmental decision-making; arguing that “discourse norms”, consisting of “participation norms” and “transparency norms”, are increasingly being adopted by international decision-making networks of NGOs, donors and international institutions such as the World Bank. This uptake is driven by a desire to make decision-making processes more inclusive, with the increasing adoption of discourse norms “working to promote democratic accountability in international politics”. However, Payne and others also make the valuable point that what is still missing from this approach is any analytical and / or practical consideration of how accurately the groups included in international processes represent the national and local stakeholders who will be most affected by the outcomes of decisions about development and the environment⁷¹.

Research findings from the Berlin School’s⁷² work in this area provide empirical evidence, which supports this normative theoretical approach to policy-making⁷³. They studied the correlation between structural conditions, economic influences and institutional impacts on environmental policy development in 12 of the Organisation for Economic Co-operation & Development’s (OECD) member countries. Their findings indicate that the following factors contribute to successful environmental policy-making, and these are summarised in relation to three elements contributing to the “environmental capacity” of a country as follows:⁷⁴

- **Participatory Capacity:** this includes the openness and inclusiveness of the policy process. It includes the information system used by this process, as well as “the openness of the media with regard to ecological interests” which will contribute to ensuring a well-informed public who are then able take part in decision-making; however, their findings also indicate that “participation without integration is ineffective” leading to a requirement for assessing integration;
- **Integrative Capacity:** this refers to inter-policy co-operation, accounting for the interests of each of the members of the epistemic communities that seek to influence policy; and intra-policy co-operation, which takes into account the implications for and of other areas of policy to overcome the fact that “the modern state is able to institutionalise quite different, even contradictory policy goals”; and

⁷¹ Payne, 2000, Peterson, 2003, Newman,

⁷² The “Berlin School” refers to a group of researchers based at the Research Unit for Environmental Policy at the Free University of Berlin.

⁷³ Jost and Jacob, 2004

⁷⁴ Janicke, 1997.

- **Strategic Capacity:** Janicke describes this as “the capacity to *implement* comprehensive and long-term objectives in a well-coordinated manner with sufficient staying power” (1992: 55). This capacity builds on the preconditions identified for **integrative** and **participatory** capacity building and is considered to be essential to achieving sustainable development.

The approach taken in this study is informed by the network approach to policy-making. It also looks at the role of process (legislation, planning, environmental and development policies) and institutional factors (the remits and behavior of statutory organisations) in influencing the final outcome of the controversial land reform bill at the national level; and the outcomes of local conflicts and impacts of national policies on land-based development at the local level. It is set in the context of the new Parliament’s commitments to the “twin themes” of sustainable development and participation in public decision-making. Informed by the findings of the Berlin School, the study takes a holistic approach to understanding how decisions are made and how to assess policy impacts in relation to public involvement, policy coherence or integration, and strategic implementation processes. Therefore, it considers the role of the media, opportunities for democratic involvement in policy making *and* implementation within the current system of decision-making.

Given the powerful role of socio-legal and cultural histories when it comes to policy outcomes (the words on the page) and policy impacts (local rural development opportunities), this study also considers how frameworks for policy and implementation have adapted over time in response to changing circumstances and increasing demand for public involvement and more equitable distribution of the benefits from land-based activities.

The next chapter outlines the methods and approaches that were used to use and test current theories for understanding policy-making; in the context of the Scottish Parliament’s commitment to delivering land reforms designed to diversify land-use and ownership, and break down the barriers to local community participation in decision-making and sustainable rural development opportunities in their area.

CHAPTER 2: Methodology

Section 1: Research Objectives and Approach

Objectives

The objective of this research was to study local communities' access to decision-making and benefits from natural resource management, with a specific focus on the effect of various forms of land tenure on community participation in policy decisions and implementation. The research focuses on examples of national and local networks with a stake in natural resource policy-making and implementation. Alongside the government's proposals for land reform, policies included a range of different government legislations governing land-use and ownership – the bases of natural resource governance. These networks represented a variety of public interests in natural resource governance at the local and the national levels.

To test the first hypothesis that policy network analysis would benefit from looking at wider influences on policy formation and by including policy implementation networks, I focused on policy networks involved in policy-making *and* implementation. This demonstrated how well national networks represent wider public and local community interests to the government, and how local networks function as a forum for local participation in land-based decision-making. This method of analysis was used to demonstrate how networks filter and balance diverse public interests, using the concept of *sustainable development* as a benchmark. This involved comparing the balance of economic, social and ecological interests represented by local *implementation networks* and by the more clearly visible national *policy-making networks*. National networks do represent different interests in decision-making, but how well do they represent local interests?

This line of enquiry gave insights into the levels of influence open to different members of the network. Guided by the literature on policy networks as a way of understanding policy-making, another objective was to compare different network members' characteristics. Characteristics included their accountability; representativeness; the resources available to them; and their objectives for trying to influence public policy on land-use and ownership. This highlighted the conditions that give some members more influence than others. Jenkins' and Sabatier's work gave me insights into how network members' ideologies and discourses have a very strong influence on the dynamics and impacts of policy networks. I set out to identify political ideologies, and to look at how competing discourses on the land question had evolved with

support from different factions within the networks. These political insights helped to understand how politics had influenced the land question and its role in shaping the current pattern of land ownership and regulation in Scotland.

Aside from their different political persuasions, resources, and access to policy decision-making, all stakeholders in the networks have to negotiate inside the same framework of natural resource governance. A framework made up of government legislation, policy, administrative systems, and the institutions that implement them. It sets “the rules of the game”. I initially identified the following common parameters framing land-use and ownership policy decision-making and implementation:

- **Land Tenure:** tenure laws and patterns of land ownership;
- **Legal/Policy framework:** government land-based policies and legislation; and the
- **Institutional framework:** institutions and administrative systems set up to implement laws and policies

Although the land tenure system is really a part of the legal and policy framework, this research was specifically designed to examine the impacts of land ownership. Tenure was therefore singled out for evaluation. This was done by comparing four different case studies of different types of land ownership: community, private, conservation NGO and state land ownership. These types represent the major categories of land owner in Scotland. The objective behind focusing on these categories was to try and see how who owns land influences local communities’ access to decision-making and benefits. I found additional parameters during the course of the research, these included local socio-legal and cultural histories. The local history of tenure and individual communities’ relationship with their landowner also shapes their level of access.

Research Approach

This research involved a review of the socio-legal history of land tenure policies, a national-level research project and four local case studies. This mapped out how network interactions, legal, institutional and other factors shape patterns of land ownership and public access to policy decision-making and implementation. It also looked at how different interests are included or left out of policy decisions. How well-informed and inclusive is the decision-making system governing land ownership and use?

Within the national context, different areas of land will be subject to different uses and management techniques at the local level. Despite a unitary national policy framework, each of these local situations will offer varied opportunities for public inclusion in decision-making processes, and will represent different approaches to sustainable development. To help test the first and the second hypotheses, I conducted four local case studies looking at the *implementation* of current policies, how they are interpreted by networks on the ground and what else makes a difference to local development opportunities. The case studies also captured examples of the relationship between local communities and different types of land owner, and how this affects local development opportunities. The people who contributed to the case studies also provided a wealth of practical examples of how land ownership, government policies and legislation, and the systems set up to manage land-based resources affected their access to decision-making and sustainable rural development in their area. These were based on communities living on or near relatively large areas of land; each owned by one of the four main categories of Scottish land owner: public, conservation NGO, private and community land owners. Finally, the national and local level research data was compared to see how well national networks represent local interests. The next two sections outline the methods used for the national level research project and the local case studies.

Section 2: A Study of the Land Reform Network – National Level Research Project Methodology

The national level research project followed the formation of the land reform proposals developed by the Land Reform Policy Group between 1997 and 1999 under the Labour Government, and subsequently taken over as the Scottish Parliament's Land Reform Bill in 1999 as an active example of national policy-making. This part of the research focused on the national networks that influence decision-making and how they represent wider public and local community interests. The historical review of land reform policy formation revealed how public pressure for access to land-based development opportunities has lead successive British governments' to introduce various land-based policy changes over the last 120 years. The land reform process introduced in 1999 also provided an excellent opportunity to examine decision-making systems in action at the local and the national level. Following the twists and turns of this process provided valuable insights into how networks filter public interests in land-use and ownership. I also studied the government's consultation process, to determine how it functioned as a formal mechanism for channelling democratic inputs to decision-making.

Mapping the network

The first task was to identify the stakeholders in the debate over land reform. This helped me develop an accurate map of the policy network that converged on the Land Reform issue. I began with the series of four public consultation papers issued by the Scottish Executive between February 1998 and July 1999. Once the final Draft Bill had been published, I consulted the archives of public responses to the consultation papers issued between February 1998 and 2001¹.

The responses gave me a long list of parties vying for influence over the proposals. They also showed the range of different public opinions on the questions of land ownership, public involvement and local rural development opportunities. I was able to follow the gradual adaptation of the proposals in response to each round of public consultation, to see how opinions were filtered through the policy-making process. A narrative analysis of the consultation papers and interview transcripts, focusing on the type of language used by each group also provided interesting results. It highlighted the political and ideological divides between groups. This analysis also illustrated the correlation between network members' interests, and different political or ideological attitudes to the question of land reform.

To determine the balance of interests and how well the national land reform network represented local and national public opinion, I tried to get as full a picture as possible of the range of opinions about land reform; who was getting involved and why. This primary research was used as the foundation for disproportionate, strategic sampling.² I opted for this kind of sample selection to ensure my final selection represented the mainstream members of the national network, without missing out on fringe groups with more radical or obscure interests in land reform. I also tried to make sure I covered the party political spectrum. I looked at the accountability of each of the members of the network, and made final selections based on interviewing a group that represented as near a balance of social, economic and environmental interests as I could get from the national groups with an interest in land reform.

Sampling Criteria

The final sample had to be weighted to ensure that it represented the range and relevant influence of the different interests looking for an audience with Parliament and the Executive. To help meet these requirements I developed a list of sampling criteria. These criteria included

¹ Available from the Scottish Executive Library, Saughton House, Edinburgh.

² Robson, 1993.

the need for expert knowledge; to cover as wide a range of interest representatives as possible; and covering examples of the commercial, social and environmental interest representatives.

TABLE 1: Criteria and Rationale for Sampling

Sampling Criteria	Rationale
Professional or statutory obligation to advise parliament on proposals	Including people with a strong influence on the decision-making process. As statutory consultees they should have a relatively strong influence on policy outcomes. This gave insights into the institutional influences on policy-making processes and implementation. This group also represents how Parliament has set itself up to make and deliver policies.
Expert knowledge on key aspects of the research topic	To include expert opinion and information on key topics, including community participation and patterns of land ownership, as well as specialist insights into environmental, social and economic sustainable development opportunities.
Groups with varied levels of public accountability and representativeness	To ensure data illustrated the relationship between levels of public accountability / representativeness and levels of influence. It also helped me analyse the overall representativeness of the national policy network.
Sources of public information about the land reform bill.	Media journalists represented those with the ability to provide information to <i>influence</i> and <i>represent</i> public interests.
A wide range of stances and interests	This included representatives from each of the political parties, different types of landowner and covered the spectrum of positions on land reform from radical to <i>status quo</i> . This gave insights into the range of interests, and how these compared with the interests recorded in the case studies.

Screening

My screening criteria were based on identifying categories of national and local stakeholders. I had 61 possible interviewees entered in an Access database. I used the database to manage and categorise information gathered during the screening process, as follows:

TABLE 2: Information Management Categories (Access Database)

Type of Stakeholder	
Government	<ul style="list-style-type: none"> • Elected Representatives – Local/National • Local/Central Government Administration • Government Agency
NGO	<ul style="list-style-type: none"> • Conservation Groups and Trusts • Social and Political NGOs • Land Reform Umbrella Groups
Communities/Public	<ul style="list-style-type: none"> • Individuals • Community Associations and Action Groups • (Also elected representatives)
Expert Commentary and Advice	<ul style="list-style-type: none"> • Media • Legal Experts • Authors
Landowner?	Yes/No
Stakeholder Interests	<ul style="list-style-type: none"> • Social • Economic • Environmental • (or combination)
Stakeholder Development Objectives	<ul style="list-style-type: none"> • Commercial and Economic (Tourism, farming, crofting, forestry, alternative energy, organic food production, arts/crafts). • Environmental • Social • Rural livelihoods • Community involvement • Sustainable Development

Political Persuasion	Right, Left, Liberal Democrat, Green, Socialist, Labour, Conservative or non-political
Responded to Consultation?	Yes/No
Stance on Land Reform	<i>Status Quo</i> → Tends to the <i>Status Quo</i> → Neutral → Tends to Radical → Radical → Fringe
Referred by	List of those who recommended this contact and why
Diary of Contacts	Notes of telephone calls and all conversations with database contacts

I then further screened this list using the following criteria:

- People with an active involvement or interest in the land reform policy-making process;
- representatives with an interest in, or responsibility for promoting community and or public participation in land-use and ownership policy and implementation; and
- People recommended several times by a wide range of those contacted.³

I used my database to manage interview requests, and kept a diary of all contacts. This was a useful record of the advice and information I got during the sampling process. It provided a context for understanding network interactions and history of relationships between different groups. It was used to verify and validate findings from the national level interviews and from the case studies, or remind me who could help triangulate findings. It also helped me adapt my sample following advice from each of the people contacted during screening. People recommended others they thought had an important contribution to make. Once I had what I thought was a balanced list, I was advised that it did not have anyone who had really “got their hands dirty” so I went out and found some people with more grassroots experience.

The sample includes a representative from each of the main political parties representing the Scottish public; with the exception of the Labour party, as I was unable to interview the MPs Brian Wilson or Callum MacDonald on the dates they offered. To balance this, I studied commentary on them in the press and sought additional information from stakeholders on the

³ This final criterion was extremely useful, as I was then able to contact others on the basis that they had been recommended by numerous other people known to them in the field of land-use and distribution.

Labour Party's influence on the process. Stakeholders were identified according to their traditional allegiances. For example, the Scottish Land Owners Federation (SLF) is classified "right" and other groups as "socialist", rather than "Labour", as not all the organisations included in this category necessarily supported the Labour party. Once each of these criteria had been accounted for, a couple of changes were made to the draft list, to get a balance of specialist information and interests across the developmental and the social, economic and environmental categories. These weightings are illustrated in table 3, overleaf. They were used for strategic sampling only, to give me some indication of stakeholders' *relative* interests. The final list of participants is also included in table 3.

Securing Interviews

After phoning all the organisations included in the final sample, I made a formal written request for an interview. Including recommendations from other network members and highlighting areas of the research which might be of interest to the individual or their organisation helped with positive responses. Of 23 requests for an interview, only Wendy Alexander and Jim Wallace declined. Wendy Alexander was too busy, and Jim Wallace felt it was inappropriate for him to comment on an active policy issue. Brian Wilson and Callum MacDonald, both labour MPs, agreed to an interview; but I was not able to interview them on the dates they offered. The most challenging interview to get was with the central government administration. The official I first contacted felt that it would be "unsuitable to discuss an active policy issue with a member of the public". Jim Wallace was at this time acting First Minister and responsible for the Land Reform process. He was unable to take part in this research, but I contacted his office again, requesting advice on how to include the central government administration in my research project. His office directed my enquiry to the Land Reform Division, which then made an invaluable contribution to my research, both during the interview with officials and since, by providing prompt and comprehensive responses to all of my enquiries.

Interviewing

I conducted 20 semi-structured, one to two hour interviews between May 2000 and November 2001. During these interviews I covered the following themes, designed to provide information and opinions related to my research objectives:

- The political and historical development of the land reform agenda;
- the public interest in land;

- community participation in land ownership and management;
- the role of the media in providing objective sources of information;

TABLE 3: Organisational Profiles

TABLE 3: Organisational Profiles												
	Type of Organisation						Stance			Interest		
	Government	Elected Reps	Public	Experts	NGOs	Landowners	Associations	Political Position	Position on Land Reform	Social	Economic	Environmental
Organisation: Interviewee, Position.												
Scottish Parliament: Roseanna Cunningham , SNP MSP; Convenor, Justice & Home Affairs Ctte.*		✓	✓					SNP	Radical	II	II	I
Scottish Parliament: Alex Johnstone, MSP, Cons; Convenor, Rural Affairs Ctte.		✓	✓					Cons	Status Quo		II	
Scottish Parliament: Robin Harper , MSP, Green.		✓	✓					Green	Radical	II		II
Highland Council Land & Environment Committee: Michael Foxley, Chair & Highland Cllr.*	✓	✓	✓					Lib Dem	Radical	II	I	II
Birse Community Trust: Robin Callander, Author/Legal Expert, Community Representative.			✓	✓		✓		Socialist	Radical	II	II	II
Highlands and Islands Enterprise: Dr. Jim Hunter, Chair & Author/ Expert, Land Reform.	✓			✓		✓		Neutral	→Radical	II	II	I
Independent: Andy Wightman, Author/Expert, Land Reform.				✓		✓		Socialist	Radical	I		II
Forestry Commission: Richard Broadhurst, Policy Developer.	✓							Neutral	Neutral		II	II
Scottish Natural Heritage: Dr. John Markland , Chair.	✓					✓		Neutral	→Status Quo			
HIE Community Land Unit: John Watt, Head.	✓					✓		Neutral	→Status Quo	II	II	I
Scottish Executive, Land Use Division: Douglas Greig, Head.	✓					✓		Neutral	Neutral	II	II	I
The Daily Telegraph: Auslan Crambe, Scottish Affairs Correspondent.				✓				Right	→Status Quo			II
The Guardian: Ewen MacAskill, Diplomatic Editor.				✓				Socialist	→Radical	II	I	II
The Herald: David Ross, Land Reform Correspondent.				✓				Socialist	Radical	II	I	II
Reforesting Scotland & Scottish Environment LINK: Munro Gauld, Development Officer.					✓			Socialist	Radical		I	II
Land Reform Scotland: Peter Gibb, Chair.					✓			Fringe	Radical		II	
Scottish Land Reform Convention (ACT): Alison Elliot, Chair.					✓			Socialist	→Radical	II	I	II
Wild Land Group: John Digney, Ex-Chair.					✓			Fringe	Radical	I	II	II
Scottish Landowners Federation: Dr. Maurice Hankey, Director.							✓	Right	Status Quo		II	I
Royal Institute of Chartered Surveyors: Lynne Raeside, Policy Officer.							✓	Right	Status Quo		II	I

-
- perceptions on how they or others influence decision-making;
 - accountability, objectives and remit of their own organisation and of other members of the network; and
 - legislation governing land tenure and use (not included in the proposals) – the impact of different land owners on local community development.

At a suitable point during each interview, I included the following questions:

1. What is your definition of sustainable development?
2. Do you believe that the proposals for land reform as they stand could be described as radical or *status quo*?
3. What specific problems do you see with the proposals as they stand?
4. Do you think rural land in Scotland is overpriced?
5. Do you think that many communities will take up the right to buy, and why?
6. How do you think the executive weighted the public responses to its consultation papers and do you think they made a good job of it?

The methods used to analyse this data were identical to the methods used in the case studies and are outlined below, following the outline of the research design used for these studies.

SECTION 3: Local Networks - Case Study Methodology

The national level research explored the balance of interests represented by the national policy network. It measured how this network filtered public opinion, and how national networks function as a source of wider democratic input to decision-making. The case study research introduced the network of actors that people living in rural areas interact with on a day-to-day basis. The case studies recorded local experiences and views on how easy it is to access national and local level decision-making processes. This research also gave insights into the legal, institutional and other factors that affect local communities' ability to influence decision-making and benefit from land-based development opportunities. Discussions also covered the potential impacts of the land reform proposals, based on local people's opinions and views of the proposals in the context of their own experience. I included all of the following questions in each interview:

1. What did local people need land for?

2. What influence did various laws and policies and the land owner have on their opportunities?
3. What influence did they have with government agencies and networks at the local level?
4. What were the barriers to land-based sustainable rural development?
5. What recommendations did they have for policy reform?
6. What impact did they think the land reform proposals would have for them?

These four studies explored exactly what conditions and factors most influence levels of public involvement and contribute to sustainable rural development at the local level. I used some participatory methods to help compare the local balance of interests with the interests represented by the national network. This highlighted the differences and parallels between local interests and how these interests are expressed by national level networks. These methods are outlined in Section 4 of this chapter.

The case studies primarily explored the local impacts of different land owners' by comparing the experiences of communities living on land owned by four different landowners. This distinguished between the roles played by different types of landowner and by government policies and implementation systems. The research looked at how the type of landowner or the nature of the local community affected levels of community involvement. Finally, it highlighted the advantages and challenges associated with community participation in land-use, from community ownership of land to community consultation over land management decisions.

Selection Criteria: The Four Case Studies

Case studies were selected to provide examples of the four main types of land owner in Scotland. These are private, public, community and Conservation NGO landowners. These categories were selected using Andy Wightman's *Who Owns Scotland*, and Auslan Cramb's *Who Owns Scotland Now*, with reference to the categories of stakeholder developed in the national sample selection. Comparing different types of land ownership made it possible to identify the different levels of access to decision-making and benefits under each type of land owner. Given the focus in this thesis *and* in the government's land reform proposals on public involvement in decision-making systems, including as many local voices as possible was a clear objective for this research. I also wanted to identify the impacts of land tenure, government policies and institutions, and the operation of national and local networks on local access to decision-making from the perspective

of the people most affected. I used the following criteria to make sure my selection would illustrate:

- The impacts of the four main different types of Scottish landowner;
- local community interaction with local and national decision-making networks;
- local interests, objectives and motivations, across the spectrum of social, economic and environmental aspects of sustainable rural development; and
- diverse rural land-uses and development opportunities.

The last criteria was intended to cover as diverse a range of land-uses as possible to help uncover the conditions that diversify or concentrate land-use, and to determine how each of these contribute to sustainable rural development. Therefore, the final case studies collectively gave examples of the following land-uses:

1. Alternative energy production;
2. Fishing, shooting and hunting;
3. Crofting;
4. Farming;
5. Tourism/recreation;
6. Forestry;
7. Organic farming;
8. Leasing land and property to tenants; and
9. Conservation management.

The case studies were also selected to give comparative information about how land-use and management regulations are implemented at the local level. This indicated how government institutions, land owners, NGOs, local communities and their representatives interact on a day to day basis. How do they approach and solve complex on-the-ground problems? What role does national policy play? This gave me insights into local *implementation* networks, as well as how networks at the local level form and facilitate communities' input to decisions. To do this, I made sure the final selection included examples of the following types of issues:

- areas designated for conservation protection by the EU;
- a disputed development proposal on part of the land;

-
- active negotiation by the community to become involved in or to take over the management of the land;
 - landowner in receipt of CAP subsidies, EU or UK grants for land-use or development purposes; and/or
 - tenants renting land or housing.

I then fixed geographic and demographic criteria for the case study selection. At first I limited my search to areas over 15,000 acres. This was based on the assumption that the area studied would be large enough to have a diverse range of management issues and land-uses; and also guarantee a local population of over 100 households. They gave me a good starting point, but these geographic and demographic criteria became arbitrary. For example, the largest area selected (43,000 acres) attracted the smallest amount of community involvement, and the smallest area (7,000 acres) stimulated massive local interest from 13 townships within a radius of 65 miles of the site. This gave interesting analytical insights into the definition of a “community”, and the conditions that motivated local people to actively identify themselves as part of a particular stakeholder community.

Individual Case Studies: Final Screening and Securing Visits

Beyond the common criteria listed above, different categories of landowner have their own unique features and characteristics. I researched the media and conducted context research with different land owners and their representatives to make sure my final case study selection was fairly representative of other examples of private, public, conservation NGO or community landownership. Data on the profile and, in some cases, even the identity of Scottish landowners is surprisingly hard to come by. At this stage I sympathised with Andy Wightman’s comment in his Preface to *Who Owns Scotland*:

“It is ludicrous that as we approach the close of the twentieth century, we know less today about the pattern of landownership in Scotland than we did 100 years ago, the last time an official survey was conducted... Amazed and frustrated at the lack of information on the fundamental question of who owns Scotland, I decided to write this book”.⁴

In addition to weeks spent leafing through *Who Owns Scotland*, I consulted various sources of information on landownership. These included specialist journals and publications carrying case

⁴ Wightman, 1997.

studies of landownership. Media coverage also provided useful information. I was also helped by a number of willing experts in this field. My experience as a part-time volunteer with Reforesting Scotland (RS) was one of the most useful sources of information. Whilst helping to research and edit the RS Community Woodland Directory, I spent a long time speaking to representatives from communities who owned or managed land. I was also fortunate because the RS development officer, Munro Gauld has a near-encyclopaedic knowledge of communities seeking involvement in woodland management across Scotland. I was able to turn to him for valuable advice about all four different types of landowner. Andy Wightman also offered useful advice on the case study selection. The process used to select the following case studies, and the contextual information used to make the following selection is outlined below:

TABLE 4: Case Studies by Categories of Landowner

Type of Landownership	Land owner	Estate and Location
Private:	The Earl of Moray and Moray Estates Development Company	Moray Estates, Morayshire.
Community:	The Assynt Crofter’s Trust	North Lochinver Estate, Assynt.
Conservation NGO:	The National Trust	Glencoe Estate, Glen Coe.
State:	The Forestry Commission and Forest Enterprise	Borgie Forest, North Sutherland.

Private Land Owners

Privately owned rural land accounts for 87.7 percent of the total, and of that total “66 owners hold Estates of 30,700 acres and larger”.⁵ Collectively, these sixty six people own a quarter of Scotland and have a significant impact on land-use management across the country. Andy Wightman conducted exhaustive research into the position, titles, connections and social status of the primary beneficiaries of some of the largest areas of privately owned land in Scotland. The result is a

⁵ Wightman, 1997.

bewildering stock-take of how land titles have been consolidated and transferred through primogeniture and marriage between Lords, Barons, Dukes, Earls and their Ladies, Baronesses, and Duchesses over the years. It is also a witty illustration of the extent to which a large proportion of Scottish land is still held by families whose ancestors were granted landed titles to secure support for people vying for power centuries ago.

Today, 30% of all estates over 5000 acres - 14.2 percent of Scotland - are still owned by people with aristocratic titles. The fact that so many of them still hold land testifies to the slow pace of change in the pattern of land ownership in Scotland. Current estimates indicate that less than 1 percent of our land stock is sold or transferred annually. New private land owners in Scotland include wealthy private individuals, private and Public Limited Companies (PLCs) and investment houses. Wightman has worked out that at the current rate of change of land ownership in Scotland, it would take 200 years to significantly alter our pattern of landownership.⁶

If you were going to diversify land ownership, you would need to start here, so it is no surprise that the land reform debate has focused heavily on this group. Some elements of the media dramatised the land reform proposals by characterising big bad lairds, and focused heavily on the negative aspects of private landowners' impacts on local communities. With the exception of the staunchly conservative Daily Mail and the Telegraph, media coverage has not generally been kind to private land owners:

"Time to do away with Tyrant Lairds."

(Scotland on Sunday, Nov 1999)

The general consensus has moved on from criticism of bad land owners *per se*, but there is still a high degree of opposition in principle to the high concentration of private land ownership in Scotland (one of the highest in the Europe). Private land owners have historically been shy about requests for access to information about the extent of their landholdings. They have been even shyer about revealing details of their internal management activities and decision-making

⁶ Ibid.

processes. In 1995 this cautious attitude was reflected in the Scottish Landowners Federation's advice to its members:

"From time to time members may receive requests from authors for details of their landholdings. Before providing or confirming any information, members should consider very carefully the use to which it may be likely to be put. Where owners do not wish to cooperate and are asked to confirm or alter inaccurate information provided by an author, they may wish to respond simply by stating that the information is inaccurate".⁷

This was two years before the creation of the Scottish Parliament, whose political agenda for change placed land reform, improving public access to information, and transparency and accountability high on their initial list of priorities. By 2000, private land owners' unease had been well and truly stirred up by the Parliament's promise to deliver "radical land reforms" signalling a genuine threat to the *status quo* maintained under Westminster. Despite its own warnings to members, the SLF had now begun to recognise that silence could be more damaging to its members' interests than making information about their landholdings and management more readily available. Maurice Hankey, the Director of the SLF was concerned that keeping mum could be misinterpreted, raising hackles and suspicions about what exactly private land owners felt it was that they had to hide.

Private Land Ownership Case Study: Moray Estates Development Company

The case study of private landownership was selected from the 66 largest land-owners in the country. I decided to focus on this group, as it represented a body of landowners with a large amount of responsibility for the management and development of rural Scotland.

Getting a private land owner in Scotland to agree to allow me to base a case study for this research on their estate was quite a task. I found this stage of the research the most difficult. My first attempts were frustrating. For example, I identified Glenfiddich and Carbach Estate in Banff, owned by Golden Lane Securities Ltd. Contacts with local people and reading the press revealed strange goings-on; mysterious house fires, and a strong local perception that the owners were pursuing a deliberate policy of keeping people off the estate (terminating tenancies and making recreational access very hard). A search of Company's House showed alleged expenditure on staff and equipment, which stretched the local imagination and was neatly offset

⁷ Cited in Wightman, 1997

against other parts of the company's tax liability. This was definitely not the type of landowner I had hoped to find. I was determined to find as "average" a landowner in this category as possible, not a stereotypically "bad landowner". This type of land owner does exist, but it is not representative of most private landowners.

I turned to the experts for support. I was assisted by Auslan Cramb, the author of *Who Owns Scotland Now?*⁸ This is a book containing detailed case studies of private estates in Scotland. It demonstrates that he had successfully gained access to the minds and drawing rooms of ten private landowners. He successfully arranged a case study of the Seafield Estates in Banff for me. The Seafield Estates then pulled out, because they were "over-extended on the public relations front".⁹ The chief executive of the SLF then gave his support to my research. He put me in touch with Dick Playfair of Playfair Walker, a company which handles publicity and communications for private estates. I gave Dick Playfair my sampling criteria and he kindly contacted owners on my behalf, including an outline of my research and stating in his letters that he had "discussed this with Maurice Hankey at SLF and (we) are keen that a member should provide what Siân requires if at all possible".¹⁰

Dick Playfair contacted seven estates; only one agreed to consider giving me permission to do a study on their land. This was the Moray Estates Development Company, which manages the 38,000 acre Moray Estates on behalf of its owners the Earl of Moray and his son, Lord Doune. I was invited to a meeting with the Chief Executive and Lord Doune to discuss my objectives and research approach. They then consulted with Lord Moray, and I was given permission to begin my research. These estates are split between the Moray Estates and Doune and Milton of Callender in Perthshire, and managed centrally from the Estate Office near Forres in Morayshire. I focused on the communities living on the Moray Estates. The summary profile of this landowner is illustrated below:

⁸ Cramb, 1996.

⁹ Pers comm. Seafield Estate Factor.

¹⁰ Pers comm. Dick Playfair, July 2000.

TABLE 5: Case Study Profile 1

Estate:	Moray Estates, Morayshire	
Managed by:	Andrew Howard, Chief Executive, The Moray Estates Development Company	
Beneficiary Owner:	The Earl of Moray and Lord Doune	
Management Objectives:	Commercial and Conservation	
Size: 38,000 acres	Local Stakeholder Population: 122+ Households	Category of Owner: Private
Sources of Income:	<ul style="list-style-type: none">Commercial income from land-uses (see below)CAP subsidySNH grantsForestry commission grants	
Types of land-use	<ul style="list-style-type: none">Arable farming; organic farmingcommercial and residential property letting/developmentleasing farmlandsporting (fishing, hunting and shooting)forestryconservation managementrecreational access – path maintenance	

I moved to Minton House, which was at that time a retreat offering alternative health therapies and vegetarian cooking in Findhorn. I joined the staff cooking rota in return for a generously low rent. I arrived during the record blizzards and snows of February and completed this research at the end of March 2001.

Almost a year later, the Moray Estates contacted me to request I drop the case study of their Estate from my thesis. Their representative explained that they were “sensitive about sticking their head above the parapet and getting fired at” due to the bad publicity for private landowners during the Land Reform process. They were primarily concerned about two issues. The first was

that the level of public subsidy they received might be made public.¹¹ The second was that the management was in transition when I conducted my research; the current Chief Executive and Lord Moray were in the process of handing over their responsibilities. These changes represented a shift from an older generation to the next. This would introduce an entirely different style and direction for the estate's overall management. They explained that they had "developed reservations about the timing of it as (they) didn't want to create a vision of a property that was completely at odds with what was apparent to people within 12 to 18 months". I visited them again to give an outline of my research findings to the new Chief Executive. The Estate then agreed to let me continue to use the data I had gathered. They initially requested editorial control of any use of information gathered on the estate. I explained this was not possible.

The long process of overcoming the private landowners' apparent shyness of researchers was worth it. The Moray Estates provided examples of tenants renting homes, industrial properties and farms, as well as land-uses including traditional shooting, fishing and hunting, together with forestry and a large organic farming enterprise. Parts of the estates are designated by Scottish Natural Heritage (SNH) as Sites of Special Scientific Interest (SSSIs), and Moray Estates are also in receipt of woodland grants and farming subsidies.

Community Land Owners

In 1999, there was not a great deal of information about community landowners in Scotland. The best source came from Reforesting Scotland. As this information related only to community-owned *woodlands*, I was also dependent on the press and advice from people and organisations with experience with community landownership. Margaret Davidson, an outspoken local community councillor and member of the community land-owning Abriachan Forest Trust; and John Watt and his staff at the Highlands and Islands Enterprise Company's (HIE's) Community Land Unit (CLU) were very kind and helpful. Another source was the Not-for-Profit (NFP) Landowners' "Social Land Ownership: Case Studies". There are now three volumes of this useful publication¹², and a further report on not-for-profit landownership carried out by Andy Wightman and Graham Boyd for the CLU.¹³

In the decade before this research was conducted, over 160 communities had become land owners. In the decade previous to this, no communities became land owners. By 2001 the

¹¹ I have been unable to discover how much subsidy the Estate receives.

¹² Boyd and Reid, 1999.

¹³ Wightman and Boyd, 1999.

Scottish Land Fund had given out 170 grants to communities wishing to buy land since it was set up, and HIE's Community Land Unit had supported 30 communities in the first two years of its operation. One of the major objectives behind the land reform proposals was to "create new opportunities for community ownership of land", as a measure aimed at empowering local people and improving their development opportunities.¹⁴ Brian Wilson set up the CLU to support local communities with an interest in buying land in 1998. It had assisted over 30 communities in its first two years of operation, illustrating the increasing trend in communities interested in land ownership.¹⁵

Community ownership is presumably a model in which decision-making is automatically open to the entire community, but it was not universally popular at this time. Some land owners and their representatives hailed the proposal to increase community land ownership as a "land grab". Press coverage highlighted high-profile cases of local communities attempting to purchase the land they lived on, as part of an exposé on "bad landlords". Headlines at the time presented the reforms as potentially pushing community landownership as an alternative to private landownership. Some articles and editorials caught the mood of public support for the heroic attempts of local communities to purchase land. A cartoon Donald Dewar was seen shouting "Pull!" as he prepared to shoot fat landed gentlemen from the sky:

"People power to replace a feudal system that is past its sell-by date"

(Scotsman, 06.01.99)

Other headlines reacted to criticisms of the land-owning *status quo* with mockery:

"Labour's Great Land Grab: Community Ownership is a false utopia"

(Daily Mail, 06.01.99).

Community Landownership Case Study: Assynt Crofters' Trust.

In this study I hoped to explore the reality behind the dystopian and utopian visions presented by the press coverage of the land reform debate. I set out to explore the merits and difficulties

¹⁴ Scottish Executive, July 1999.

¹⁵ Highlands and Islands Enterprise, Undated.

associated with community ownership, in relation to the opportunities for development and participation in decision-making that this type of tenure gives local communities.

I looked at the profiles of several, different community landowners. I defined community landowners as constituted, local, land-owning community groups. They operate under a democratic management system, with a relatively open membership policy, but membership is predominantly drawn from the local area. These groups either extend voting rights to everyone on the local electoral register(s), or simply to anyone who lives in the area. The direct beneficiaries of this type of landownership are the member-owners, and profits are re-invested in community development initiatives in line with the community land-owning body's objectives. Local people are directly involved in agreeing objectives and give a mandate to a steering or management committee to oversee implementation. Community landowners' objectives are universally similar and can be summarised as the sustainable development of their land resource for the community and wider membership, by delivering collective environmental, social and economic benefits *locally*.

I was keen to study a land-owning community that had been running for a good time. The community-owned island of Eigg seemed ideal as "(t)he islanders stressed how the community had been kept out of the decision-making process by the system of private ownership and...this exclusion had hampered the economic development of the land".¹⁶ The Isle of Eigg Heritage Trust was only two years old during the case study selection process. I felt that an older example would provide more in-depth, long-term information about community involvement and sustainable development opportunities following a buy-out. The same problem applied to Laggan Forest Trust and the Birse Community Trust, which have been running since 1997 and 1999 respectively. Another issue that raised its head was that community landowners were reputedly suffering from research fatigue. I was careful to check that the local community were not too exhausted by enthusiastic students and authors.

I finally approached the **Assynt Crofter's Trust** (ACT) which famously bought the North Lochinver Estate in 1993. The Trust had been running for long enough to provide in-depth information about the community's access to local and national decision-making under community landownership, and to give me some comparison with the situation under private ownership. ACT was also involved in a diverse range of land-uses, including crofter forestry and a hydroelectric power generation project. This project had been delayed by objections made by

¹⁶ Dressler, 1999.

SNH and the Royal Society for the Protection of Birds (RSPB), but backed by the Local Enterprise Company and some leading politicians; a good example of local interaction with networks governing environmental and economic development issues. It was also a good example of how two sets of national policies on the environment and renewable energy were playing out against each other at the local level. The Assynt Crofters’ Trust is involved in a variety of different socio-economic and environmental development projects, and the local community use the land mostly for crofting and tourism incomes. The profile of this land owner is illustrated in the table below.

TABLE 6: Case Study Profile 2

Estate:		North Lochinver Estate, Assynt				
Managed by:		Assynt Crofter’s Trust, a charitable trust limited by guarantee, membership is open to local crofters, who elect a Steering Committee to manage the estate on their behalf.				
Beneficiary Owner:		ACT members.				
Management Objectives:		Sustainable Community Development (economic, social and environmental)				
Size	21,000	Stakeholder	150	crofting	Type	Community
:	acres	Population:	tenancies		owner:	
Sources of Income:		<div><div><div>▪ Commercial income from hydro power generation, crofting rents and sporting</div><div>▪ Public donations (for purchase)</div><div>▪ Lottery funding</div></div><div><div>▪ Forestry Commission grants</div><div>▪ SNH grants</div><div>▪ SEERAD subsidies, CAP subsidy</div></div></div>				
Types of land-use		<div><div><div>▪ Crofting (sheep);</div><div>▪ Crofter forestry - natural woodland regeneration;</div><div>▪ Hydro electric power generation</div><div>▪ Sporting: fishing (and shooting?)</div></div><div><div>▪ Tourism (accommodation, walking, archaeology, crofting holidays)</div><div>▪ Housing (social housing provision)</div><div>▪ Archaeological research and built heritage restoration</div><div>▪ Conservation management</div></div></div>				

I contacted the Chairman of ACT, who agreed in principle but requested I contact three other community members for approval before I got the final go-ahead. The others agreed to support my research, asking only if I could delay arriving until after the busy lambing season. Another student from Edinburgh University was conducting MSc research there, so I waited until he had completed his study to give people some breathing space. This was appreciated, and I was invited to come up to Assynt at the end of the summer in September 2000. I spent five sunny weeks in Assynt, living in a 1960's Caravan by the sea, walking around the estate, meeting local people and hearing their well-informed analyses of land reform and sustainable development.

Conservation NGO Land Owners

When this research was conducted, conservation landowners; the National Trust for Scotland, the RSPB, the John Muir Trust, the Scottish Wildlife Trust, and the government conservation agency, SNH were all coming in for some heavy criticism for their impacts on local environments and communities. The most vitriolic criticism appeared in Ian Mitchell's book lambasting all conservation bodies' performance as land owners.¹⁷ This is an anecdotal account of sailing up the west coast chatting to locals and conservation bodies' employees. Conservation bodies are depicted as carrying out the "second clearances" in the highlands; it rails against their failing conservation policies and negative impacts on local economies alike. Conservation Landowners and their supporters dismissed his attack as lacking in credibility. The conservation employees Mitchell met seem mostly to be strangely unreasonable or just very dour people. They are only ever referred to by their sir names. Local people are much more sensible and friendly. Mitchell reinforces his them-and-us distinction by referring to local people by their given names. Its overall agenda was to name and shame conservation NGOs. Whilst the book cannot be described as objective, it did give vent to an element of strident criticism I came across when discussing conservation bodies' impacts on the economic and social well-being of highland communities:

"They talk about protecting the *natural heritage* up here, I tell you, it's the *people* that need protected, from *them!*" (Resident, Lochinver).

This resentment has not hit the headlines with the same frequency and pitch as the impacts of private land owners, which is not to say that it is not strong in the Highlands. During this stage of the research I came across local accounts of dissatisfaction with the National Trust, the RSPB, the Woodland Trust and the John Muir Trust in relation to the development and involvement opportunities they offer. There were allegations of evictions, exclusive attitudes, poor

¹⁷ Mitchell, 1999.

conservation policies and perceived blocks on development. Added to this list was a perception that conservation bodies “imported” staff rather than employ local people. The case studies also demonstrated that whilst average rural community members might not subscribe to some of the more militant anti-conservation body views aired by Mitchell and friends, people do have some negative attitudes to conservation land owners. However, I also heard praise and some neutral views.

In 1997, Conservation NGOs owned a total of 347,792 acres of land, representing 1.8 percent of the total area of Scotland. At this time Andy Wightman predicted that if the rate of increase in NGO land acquisition continued they would own 10 percent of Scotland by 2010.¹⁸ This would bring them neck and neck with the public as a landowner, as public landholdings stood at 11.93 percent in 1997. It also indicates that a sizeable proportion of the land in Scotland will come under ownership by large, well-funded and politically influential NGOs pursuing national objectives to conserve the countryside.

It is common, in the information available about “not-for-profit landowners”, for community land owners to be grouped together with NGO land owners.¹⁹ However, focusing on objectives, accountability and representativeness separates NGO landowners from community landowners. NGO land owners do not have the same democratic involvement processes as community landowners, and their objectives tend to focus on conservation as the prime goal for local land-use. These NGOs represent a national - or international - community of interest. National and international public members subscribe to their objectives by paying a membership fee. Individual members do not necessarily have any input to how these bodies pursue their objectives. They make local decisions about land-use based on a broad, nationally formulated objective of conserving the natural environment.

I used a number of representative criteria to select a case study of a conservation NGO landowner. These included the size of landholding and resident community, a pure conservation agenda on land-used for a diversity of purposes, and a clear opportunity to investigate the landowners’ impacts and interactions with local communities and their influence over government policy. The largest NGO landowners are listed below, by size of landholding in 2001, including the percentage increase in their landholdings between 1996 and 2001, and their annual turnover and national membership in 2001:

¹⁸ Wightman, 1997.

¹⁹ Wightman and Boyd, 2001; Wightman, 1997; and Boyd and Reid, 1999 all group community and NGO landowners under a single definition of Not-for-Profit landowners.

TABLE 7: NGO Conservation Landowners – Size of Landholding

Organisation	Acreage 1996*	Acreage 2001*	Change (%)	Members (#)	Annual Turnover
1. National Trust for Scotland	160,000	175,897	+9.9%	236,000	£25,000,000
2. RSPB	97,623	124,809	+27.8%	1,011,416	£49,000,000
3. John Muir Trust	34,400	50,445	+46.644	7,600	£800,000
4. Scottish Wildlife Trust	38,978	38978	0%	18,000	£2,900,000
5. Woodland Trust	16,500	12,500	-24.2%	75,000	£16,000,000
Totals	347,501	402,629	+12%		£93,700,000

*Compilations of owned, managed and leased land.

Conservation NGO Landownership Case Study: The National Trust for Scotland

The National Trust for Scotland is Scotland’s largest non-governmental conservation body. “It is an old organisation, with strong links with the Establishment”.²⁰ Established in 1931 to “act on behalf of everyone to safeguard our heritage”, the Trust owns 78,000 ha of prime conservation land in Scotland. This includes land in both of Scotland’s National Parks, seven National Nature Reserves, 27 sites designated as of European importance for nature conservation and 46 sites of official national conservation importance. It now has over 250,000 members²¹.. Its 2002/03 annual report states that the Trust sees its large membership as crucial to supporting one of its four key objectives, to exert *influence and persuasion* over national policy processes.

“The continued increase in our membership to record levels is particularly welcome as this represents not just a source of operational income but also gives us the leverage to influence the political debate about our heritage.”²²

During my search for a conservation landowner, one of my ports of call was the National Trust’s impressive newly renovated Headquarters on Charlotte Square in Edinburgh. They were engaged in a highly public, and at times dramatic dispute with the local community over their planning

²⁰ McGrath, 1999.
²¹ National Trust for Scotland. Annual Report 2002-2003.
²² Ibid.

application to move their visitor centre from a remote point in the glen to a new site closer to Glencoe village. The Scottish Executive had just accepted a 300-signature petition against the proposal from the local community.

The controversy surrounding this development proposal would provide an insight into how local access to decision-making is facilitated by the landowner and by government policies and processes, such as planning regulations and the petition system. These insights would also provide an active, if volatile, example of how local decision-making networks balance a wide range of opposing interests in land. The Glen attracts over 300,000 visitors per year, and therefore it also provides an opportunity to explore the way in which national, recreational and environmental interests are balanced with local, socio-economic and environmental interests. The Trust also gets an income from sheep farming, letting property, providing ranger-guided walks, and running a commercial tourism outlet providing interpretation facilities, a small shop and refreshments. The range of the Trust’s activities at Glencoe would provide comparative insights into a good sample of different land-uses. The profile of this landowner and the local community is illustrated in the table below:

TABLE 8: Case Study Profile 3

Estate:		Glencoe Estate, Glencoe	
Managed by:		Derrick Warner, National Trust appointed Land Manager	
Beneficiary Owner:		The National Trust, a charitable trust, which owns and manages all its property “for the benefit of the nation”. ²³	
Management Objectives:		Conservation, recreational access and commercial development	
Size:	17,000 acres	Local Population:	100+ households
		Type	Conservation NGO
		owner:	
Sources of	<div><div>▪ Commercial Tourism (see below)</div><div>▪ Farming</div><div>▪ Property letting</div><div>▪ Charitable Donations</div></div> <div><div>▪ Forestry Commission grants</div><div>▪ European Union Funding</div><div>▪ SNH grants</div></div>		
Income:			

²³ Ibid.



Types of land-use:	<div><div><div>Recreational Tourism (path development and maintenance, hill walking, climbing)</div><div>Commercial Tourism (Commercial outlet, visitor information and cafe facilities, guided walks)</div></div><div><div>Conservation management, (natural woodland/flora regeneration and planting)</div><div>Property letting</div><div>Sheep farming</div></div></div>
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During a meeting with the head of planning and strategy at the Trust’s headquarters in Edinburgh, I was given profiles of each of their estates and frank accounts of the Trust’s relationships with local communities. When I requested permission to locate the case study at Glencoe, the Trust requested only that I contact the land manager at Glencoe; the land manager immediately agreed. He was interested in the results of the study, particularly if they could help determine how they could have minimised the conflict over the planning application. He was also very interested in my proposal to try and determine the balance of interests and representativeness of the community group taking the lead on opposing the Trust’s proposal.

The Trust did not request that I contact any community members to seek permission to conduct a case study. The Trust has a policy of supporting students to the maximum of their ability. This extended to providing me with office space and free accommodation in the Leishman bothy in Glencoe, and giving me open access to their records. Working from the Trust’s office also meant I could get to know the staff and find out about the work the Trust does in the Glen. I accompanied the Trust’s rangers on guided walks with visitors to the glen and followed them up and down mountains as they went about their daily work. In June 2000 I moved to the Leishman bothy for six weeks. I shared the bothy with several midges, the Trust’s trainee mountain ranger, and a New Deal countryside management trainee and a Masters student from Edinburgh University researching a local colony of extremely rare butterflies.

The battle over the planning proposal was in full swing when I arrived, so I was careful to select a group of people who represented the full range of opinions on this proposal, *and* other issues. Inevitably, some participants were only interested in discussing the planning proposal. Therefore, during the interviews and subsequent analysis of the results I tried to weight the findings to represent opinions about the wide range of impacts the Trust has had as a landowner, above and beyond the disputed proposal.

State Land Owners

The management of state land in the public interest would appear to offer yet another good model for public access to decision-making and sustainable development opportunities in rural areas. However, like private and NGO landowners, the government bodies responsible for managing over 10 percent of Scotland have also come in for a share of the criticism on this front. Calls for reforming state estate management have gathered momentum and credibility in the last decade. As well as improving the state’s performance as land owners and managers, community, or not-for-profit ownership has been advocated by these commentators as a more effective strategy for capitalising on the potential for publicly owned land to contribute to rural development objectives. This pressure has come from within government as well as from various independent commentators, local communities and NGOs.²⁴

State properties include land held by British coal, district councils and various government agencies and departments who manage state land for prisons, conservation, crofting, defence and forestry. Enterprise Companies and individual local authorities also own significant areas of land, on behalf of the electorate in their area. With just over 1.75 million acres held by the Ministers on our behalf, the State is the largest single landowner in Scotland. The largest state property is the public forest estate, covering a massive 1,177,173 acres of Scotland.²⁵ The following government departments and agencies hold public land, each with separate objectives for land management; illustrated in the table below.

TABLE 9: State Landowners – Size of Landholding

Organisation	Acreage 1995	Acreage 2002	Change (%)	Objectives
1. Forestry Commission	1,660,923	1,053,000	- 36.6%	“The protection and expansion of British woodlands, and increasing their value to society and the environment”
2. SEERAD	281,355	256,880	-8.7%	“To maintain and

²⁴ Democratic Left Scotland, the Community Forestry Network, the Forests for People Panel, Reforesting Scotland, the Crofters’ Union, the Not for Profit Landowners’ Group and the Community Land Action Group and various independent commentators have all criticised the state’s performance as a land owner in the last ten years.

²⁵ Calculated using statistics provided by Wightman, 1997.

114,000 ha				manage the property through the normal landlord/tenant relationship”
3.				
4. Local Authorities and Water Boards	152,771	91202	- 40.3%	Various
5. SNH	84,488	87,073	+ 3.1%	“Working with Scotland’s people to care for its natural heritage”.
6. Ministry of Defence ²⁶	50,429	36,554	- 27.5%	“To make sure that the land is fit for its purpose and to keep the MoD estate as small as possible.”
7. Enterprise Companies (HIE only)	5,802	5,802		“Growing Businesses, Developing Skills and Strengthening Communities”.
Totals	2,235,768	1,530,511	-31.5%	

The forestry Commission works with the Scottish Executive to advise on forestry policies. It manages and implements these policies on private forest land, and on public land through its agency, Forest Enterprise. When this research was conducted a centrally managed, United Kingdom Forestry Commission managed Scottish forestry. In 2003 an independent Forestry Commission for Scotland (FCS) was created. About 15% of the land surface in Scotland is forested, and the public forestry estate accounts for almost half of this.²⁷

There is a continued trend of communities lobbying the Commission for more involvement or for direct ownership of state forest land. This is driven by the fact that many communities feel very strongly that they could deliver more *local* social, environmental and economic benefits from forest land than Forest Enterprise. One of the first communities to enter into a legal management agreement over the management of its local forest was the Laggan Community Forest Trust. When the Laggan community signed a management agreement with the Commission, it was cited by the Commission’s Director General as a “pilot” for other partnership agreements with local communities. It has also signalled the slow beginnings of a sea-change in the Commission’s

²⁶ The Ministry of Defence (MoD) also has licensed training rights over an additional 156,910 acres permitting the exercise of troops on other areas of state land (mostly owned by the Forestry Commission). All references to the MoD are courtesy of Allan Pearson, Defence Estates, Rosyth.

²⁷ Wightman, 1997.

policies on public involvement. Alongside other custodians of public land, it has come in for its fair share of pressure to improve its record on public involvement in forestry. In the Forestry Commission's Strategy for Forestry in 2000, the Ministerial foreword included a commitment to delivering *social* benefits for the first time. Up to this point forestry legislation only provided for the delivery of environmental and economic benefits.²⁸ Demands for reform have centred on rural development forestry,²⁹ encouraging the Commission and Forest Enterprise to consider better ways to deliver socio-economic and environmental benefits directly to local communities.

Formed in 1992, SNH is a government agency answerable to the First Minister. It has a statutory duty to advise government and planning authorities on conservation and scenic protection. SNH's objectives are specified in the Natural Heritage (Scotland) Act 1991. Its remit is primarily environmental protection, but it is obliged under the Act to "encourage environmental sustainability in all forms of economic activity".³⁰ SNH was also under pressure to change. Although they own a comparatively small area of land their impact on local land-use is still vast. They are responsible for implementing EU directives on nature conservation by identifying and setting the boundaries for conservation designations. Once SNH designates an area of land the owner's activities are carefully controlled and monitored to ensure that they do not endanger the species targeted for protection under EU guidelines. They are also statutory consultees on planning applications in rural areas. This puts them in a powerful position. Their objection is enough to block an application for development. SNH's locally based staff is generally seen as sympathetic and helpful, but the central agency is very unpopular.

At this stage, the draft Land Reform Bill also pledged that all public bodies would take suitable steps to help meet the objectives of the land reform bill. Reforms were aimed at improving their performance in relation to accountability, inclusiveness and delivery of sustainable benefits. These measures were already having an impact on public agencies' outlook, policy development and practice when it came to the issue of public involvement.³¹ By 2001, when this case study was conducted, the Forestry Commission and SNH had both begun a process of instituting changes its public involvement policy and practice.

State Landownership Case Study: The Forestry Commission

²⁸ Pers comm. Robin Callander, Specialist Adviser, Scottish Land Reform Convention.

²⁹ Bryden, 1996.

³⁰ Natural Heritage Act (Scotland) 1991.

³¹ Pers comms. John Markland, Chairman, SNH and David Henderson Howat, Chairman, Forestry Commission.

For the simple reason that I was going to study community experience of a conservation landowner at Glencoe, I ruled out SNH as a candidate for public landowner. Enterprise Companies tend to buy derelict land for regeneration or urban development. The MoD's estates are security fenced and have no local communities living on land they use for training purposes (they test weapons on about six sites). Almost all of Scottish Executive Environment and Rural Affairs Department's properties are crofting estates in the Highlands. Conservation and crofting issues would be covered in the studies on Glencoe and Assynt. As they own almost 7 percent of Scotland, I settled for the Forestry Commission. Whilst relatively small scale private, commercial forestry was covered in the study of the Moray Estates, a study of a larger scale area of public forest would provide insights into the development opportunities provided by state forests. It would also provide first hand experience of the dynamics between the government as a landowner and a local community; in the context of the increasing number of communities expressing an interest in owning or managing state forests.³²

At this stage of my research, the Forestry Commission had commissioned 20 case studies of community involvement with forestry on Forestry Commission land.³³ Together with Margaret Davidson, Andy Inglis, and Munro Gauld³⁴ these case studies were an extremely helpful source of information about potential case study areas. I initially selected an area in Dumfries and Galloway, and the case study was due to start at the end of February 2001. Unfortunately, on 2 March 2001, all Galloway Forest Parks were closed due to the dire outbreak and rapid spread of Foot and Mouth Disease throughout the UK at the beginning of 2001. They were not completely re-opened until 29 August 2001.

Forest Enterprise advised me that their lowest risk areas were Inverness-shire and the Caithness and Sutherland Forest Districts. Finding an area that met my criteria in these conservancies involved detailed consultation with the Northern Territories office, who gave me permission to seek a suitable case study in their districts. I then consulted the Dornoch and Inverness-shire District Managers, who provided information about community engagement, population size, economic, ecological and social viability etc. of various sites; we then identified 10 possible sites. After visiting and phoning these I finally selected Borgie Forest, in North Sutherland.

³² Reforesting Scotland 2000; and Ritchie and Haggith, 2004.

³³ McPhillimy, 2000.

³⁴ Interestingly, all these people have since been selected to sit on the Forestry Commission's advisory panel: Forests for People, which was set up to "encourage best practice in the area of community involvement in forestry" in October, 2001.

Although it is only 7,410 acres, this forest estate has attracted enormous interest from thirteen different townships along the far north coast. The North Sutherland Community Forestry Trust had been formally constituted in May 2000, to represent the “developmental and educational interests of the local communities with particular reference to the forestry resource in the area”.³⁵ This group had recently asked the government to give or sell the forest to the Trust. Their request was subject to a review by the Scottish Executive. This situation provided an active example of a community who wanted to take over ownership of state forest land. The land reform bill should encourage more community ownership, and I was interested to see how the state handled this community’s bid for ownership, and consider how the Land Reform Bill would affect this community’s aspirations. The profile for this case study is illustrated in the table below:

TABLE 10: Case Study Profile 4

Estate:		Borgie Forest, North Sutherland	
Managed by:		Chris Nixon, Dornoch Forest District manager, Forest Enterprise	
Beneficiary Owner:		First Minister of Scotland on behalf of the Scottish public.	
Management Objectives:		Commercial, sustainable forestry (educational, economic and environmental).	
Size	7,410 acres	Stakeholder Population:	322 members, NSCFT
		Type owner:	Public
Sources of Income:		<ul style="list-style-type: none">▪ Commercial (see below)▪ Budget from Treasury	
Types of land-use		<ul style="list-style-type: none">▪ Forestry▪ Public education and recreational access, path maintenance and interpretative facilities▪ Environmental Management▪ Crofting estate management until 1993.	

The Forest Enterprise staff responsible for managing Borgie requested I gain permission from the North Sutherland Community Forest Trust (NSCFT). I got approval from three Trust directors, after my proposal to carry out research in the area was approved at their AGM. I then moved to into a caravan in Armadale, in the middle of a field of sheep and daffodils in May 2001. I

³⁵ Reforesting Scotland, 2000.

conducted interviews with 10 local people, using the Dutchas database³⁶ kindly navigated for me by the Secretary of the NSCFT, and an employee of Caithness and Sutherland Enterprise. When I visited the couple who ran the local post office, anyone who came in was given a cup of tea and invited to take part in the interview; I facilitated and recorded discussions between six people on rural development, community land ownership and the land reform bill for three hours. I also attended a national elections hustings; one of the NSCFT's monthly board meetings; and a meeting between the board of the NSCFT and the forestry commissioners.

Selection Criteria: Local Stakeholders in each Community

The selection criteria used within each community were developed to illustrate as diverse range of local stakeholders as possible across all of the study areas. I wanted to establish contact with the local networks focussing on land-use in each area. These include the following:

- Land owners and their representatives;
- employees of government agencies and quangos working in rural areas;
- community stakeholders (covering a wide range of land-users and non-land-users, employed and unemployed);
- NGOs;
- voluntary organisations, including community groups;
- local authority departments; and
- local political representatives.

I used a range of sources of information for the sample selection for each case study. These included controlled access to databases provided by landowners and community groups, word of mouth (visits to local shops, pubs and tourist offices), electoral registers, and local telephone directories. A good, initial source of information was the local tourist information office. My landladies and landlords were also fountains of local knowledge. One of the best contacts I made was when I offered a lift to a woman carrying heavy shopping on a remote road in a blizzard. She turned out to be one of the most well-informed and helpful people I came across. She helped me contact a group of people I had had trouble including in the sample.

³⁶ Dutchas, 1999. The database of contacts developed for this initiative was held by the local enterprise company, whose staff helped me select local interviewees using my criteria to search the database for me.

I used “snowballing” methods to build up a list of contacts based on advice from as many people as possible. This method proved successful, as I was able to ensure local community knowledge informed the sample selection. At one stage I was advised that the sample may be biased in favour of a particular group on the estate. I had to extend my list to include different view points. By consulting local councillors and land owners, referring to information provided by the Highland and Moray Councils, and by the Dutchas project’s Pilot Area Profiles, I built socio-economic and employment profiles, and tried to make sure my sample represented these broad profiles. Lists of potential participants were entered on an Access database containing the name, age, occupation, household size, interests, and membership of representative groups and expertise of local people. These were strategically sampled using the following criteria:

- diverse demographic and social characteristics;
- information about land owners’ and local community groups’ management structure, objectives and interests;
- a wide range of individual local people’s interests and motivations;
- a wide range of voluntary group membership;
- insights into a range of employment and land-use opportunities; and
- expert advice on issues relevant to the case study area, everything from conservation issues to housing and development initiatives.

During some of the interviews, visitors dropped by, heard about the research and agreed to stay for the discussion, and some interviews were conducted with couples. These focus-group type meetings were lively and interesting, as people bounced ideas and examples off each other. The longest meeting extended to three hours on tape, so I have included focus-group participants in the final sample. I sought 10 interviews in each area, and visited 40 households or offices, where 47 people contributed to the research, 26 men (55.3 percent) and 21 women (44.7 percent). The profile of participants, by age and occupation has been amalgamated across all four areas, to protect people’s identity. The final profile is presented in the tables below.

TABLE 11: Case Study Participants - % Age Distributions

Age		20 +	30 +	40 +	50 +	60+	70+	
#		3	13	12	11	5	3	47
%		6.4	27.7	25.5	23.4	10.6	6.4	100

TABLE 12: Case Study Participants – Occupation / Sources of Income

Source Income	#	%	Type Occupation / Income Source
State Employer	13	27.7%	<div><div>▪ Forest Enterprise</div><div>▪ Forestry Commission</div><div>▪ Scottish Natural Heritage</div><div>▪ Highland Council, Education Authority and Recreation Department</div><div>▪ Local Enterprise Companies</div></div>
State Benefits	9	19.1%	State Pension, Jobseekers' Allowance, Disability Benefits, Incapacity Benefits, War Disablement Pension.
Commercial Employer	6	12.76%	<div><div>▪ Fishing Rights Owner</div><div>▪ Estate Owner</div><div>▪ National Trust for Scotland</div></div>
Self Employed	22	46.8%	<div><div>Full-time: 4<div><div>▪ Conservation Documentary Making / Writing</div><div>▪ Sporting Estate Owner</div><div>▪ Crofting</div><div>▪ News agency</div></div></div><div>Part-time: 18<div>See mixed income sources (below)</div></div></div>
Mixed Income Sources	18	38.2%	<div><div>▪ Tourist Accommodation – B&B, holiday houses, chalets, caravans</div><div>▪ Mental Health Counselling</div><div>▪ Organic vegetable sales</div><div>▪ Potato picking</div><div>▪ Selling jewellery</div><div>▪ Crofting</div><div>▪ Crofter-forestry</div><div>▪ Mushroom picking</div><div>▪ Post office management</div><div>▪ Census collection</div><div>▪ Catering (waiting)</div><div>▪ Forestry Consultancy</div><div>▪ Building Contracting</div><div>▪ Pony Trekking</div><div>▪ Icelandic Pony training / pony myser operation</div><div>▪ Grants and Subsidies</div></div>

TABLE 13: Case Study Participants - Voluntary Work (19 Study Participants)

Category	Type Voluntary Work	
<i>Culture, Heritage and Social Support</i> (6)	- Museum Management	- Meals on Wheels
	- Local Adult Learning support	- Church Group
	- Mothers and Toddlers	- Beavers and Scouts
	- Community Group	- Village Hall Committee
	- Local History Group	
<i>Collective Community Development:</i>	Land Acquisition (7)	- built heritage restoration
		- conservation management
		- economic regeneration
		- forestry
	Tourism, Conservation and Recreation (6)	- museum, shop and nursery - built heritage restoration - crofting holidays - path networks - conservation interpretation - drama - icelandic pony training
	Community Lobbying (8)	- Glencoe Action Group - Community Land Action Group - NSCFT
	Socio-economic Infrastructure (4)	- feed and livestock co-operative - social housing provision - hydro electric power generation - village hall restoration
<i>Other Interest Representation</i>	- Crofters Commission (2) - Crofters Union (4) - Township Grazing Committees (9) - Organic Soil Association (1) - Scottish Organic Producers Association (1) - Archaeological Studies Group (1) - Cubs and Beavers (1) - Community Forestry Network (1) - NFU (2) - Wolf Society (1) - North Highland Community Forestry Forum (4)	

Case Study Interviews

Discussions were relatively unstructured. I simply introduced my research to kick-start a discussion about land reform, relationships with landowners and the impact of government policy on people's livelihoods in rural areas. I made sure that discussions included local experience of local and national decision-making and development opportunities, and any other issue participants' considered important. The issue of public consultation usually, but not always, stimulated a conversation about how the government could improve the way in which it gathered information for policy-making. The range of data generated at this stage of the research is vast.

I was keen to hear what local people thought was relevant to my focus on involvement in land-based decision-making and development opportunities, rather than guide the conversation with questions based on what *I* thought was relevant. I was influenced by the approaches advocated for inclusive *Action Research*.³⁷ This approach to research gives participants the opportunity to identify problems and solutions, to define their own priorities and interests, and to assess the best methods of implementing successful outcomes themselves. Rather than extracting information from the people who will be affected by a particular decision, based on the decision-makers' pre-conceptions and understanding of an issue, this method offers people the opportunity to have a say in all the different stages of a decision-making process, from design to implementation. Although I was limited in my ability to conduct a full scale Action Research project, using open-ended interviews and asking for local people's own analysis of all the topics they thought were relevant had the advantage that the final results were heavily informed by their own perceptions, and not by my own.

Participants lead the discussion in the direction most interesting or relevant to them. Over and above the fixed questions listed above I did use some common questions, developed for each individual study if they were pertinent to the research in the area. These were identified by asking local people what kind of questions they would like to see included during the sampling process. For example I asked every participant in Assynt if they felt that ACT's ownership of land was an improvement on the previous ownership, at Glencoe I asked everyone to identify their stance on the question of the visitor centre development proposal, and at Borgie I asked people about their position on the question of ownership of the forest and what had motivated them to become involved in the North Sutherland Community Forestry Trust.

³⁷ Guijt and Shah, 1998, Stringer, 1999; Reason, 1988; and Greenwood and Levin, 1998.

Section 4: Fieldwork Data Analysis - Grounded Coding and Information Management

I made extensive use of Access Databases to store and retrieve information about the local and national networks of groups and individuals who helped me with this research. This ensured that I had an accurate record of every contact I made, including notes of telephone calls. This was extremely useful when it came to writing up the research, as I used it to contact people with additional queries.

This research focused on the participatory capacity of our decision-making system. I used qualitative research methods, because they are based on direct consultation with the individuals and groups with a stake in the issue being researched. In this respect qualitative research has pseudo-democratic credentials, as it offers people the opportunity to voice their opinions and have those opinions recorded for the academic or professional record. It was equally important that I developed a method of analysis that did not filter people's contributions to my research in order to produce a thesis based on my own pre-conceptions of what is relevant to the issue of public access to decision-making and sustainable development opportunities.³⁸

Once I had transcribed all of the discussions taped during the four case studies, I "free"-coded them all by hand. This generated a comprehensive list of codes inspired by the priorities and relevant insights identified by community participants themselves, rather than priorities identified by me before meeting with participants. I then amalgamated all of these codes (6000 in total, including repeats), and clustered them into groups and sub-groups. I rationalised these groups to develop an analytical framework. I then used The Ethnograph v5.0, a qualitative data-analysis package to re-code all the interviews using the final coding framework. This enabled me to collate and cross reference all the comments and suggestions made by participants according to each group and sub-group. The advantage of using this analysis package was that it also performs searches through all of the data, so I was able to collate all references to a particular organisation or issue, such as SNH or "consultation". The national level research project was

³⁸ Connel 1983, Chapter 12: "The Porpoise and the Elephant" is one of the earliest examples of this research concern. The approach to designing and analysing data was influenced by grounded theory outlined in Strauss and Corbin, 1997 and concerns with researcher objectivity dealt with in Dey, 1993; Miles and Huberman, 1994; Richards and Richards, 1994; with professional participatory involvement experiences outlined in Chambers 1983, 1993 and 1997; and by recognising that policy evaluation should be based on a grounded understanding of "social reality" outlined in Pawson and Tilley, 1997.

coded using a mix of grounded and pre-determined codes. The pre-determined codes were based on the fixed questions and themes I developed for these semi-structured interviews.

Using grounded coding ensured that the voices I recorded during my research informed my understanding of the theory of policy networks as a method of understanding public involvement in decision-making. I used these analytical insights to adapt and refine the theoretical framework introduced at the beginning of this chapter.

Participant Observation

In addition to the interviews, I also followed the land reform process in the press, by attending relevant conferences and by keeping in touch with the land reform network as much as possible. I was able to do this partly because people were very happy to help a research student. I was also able to improve my general understanding of the national networks, and local participation in decision-making through my voluntary and paid employment with NGOs, Government Agencies and partnerships, and the University of Edinburgh's Institute of Ecology and Resource Management. As a research assistant working for Bill Burch, who was commissioned to carry out a UK-wide study into Public Participation in Forest Eco-System Management, I was able to build up a picture of the wider networks operating across the UK in the field of public involvement in forestry. This work and discussions with the staff at Reforesting Scotland taught me valuable lessons about the challenge and exhilaration experienced by communities seeking to gain access to decision-making, which affects their livelihoods.

The proposals outlined in January 1999 included a commitment to requiring public landowners to include communities in their decision-making. I was able to see first hand the direct difficulties and challenges faced by staff in government agencies whose remit includes public participation. I was employed by the Forestry Commission to conduct attitudinal research and design a training workshop for their staff on "Involving People in Forestry". As a reviewer for the Community Forestry Facilitator's Project, I also conducted wider research, which helped me view my case studies in the context of other communities across the Highlands. The Scottish Executive cited both these latter projects in press releases, as examples of how public agencies were meeting the public involvement requirements to support the land reform process.

CHAPTER 3: National Networks & Land Reform: History and the Post-Devolution Land Reform Process.

Section 1: Introduction & History

“The present system and pattern of landownership are not a historical accident, and thus to begin to understand the problems of the present we need to understand how the system has evolved”¹

Comparing the case studies showed that a number of conditions influence whether local communities are motivated to buy land, or to act collectively to influence land-based decision-making in their interests. This comparison indicated that the local history of tenure had a big impact on local communities' level of involvement in land use at the local level. Therefore I decided to research the historical background of land tenure reform at the national level – looking for key national policy changes and how policy networks had evolved over time to represent the public interest in land. This chapter opens with a brief political history of land reform in Scotland. It demonstrates that pressure for land reform has historically come from the grassroots and the force of public opinion about the behaviour and impact of land owners on local people's livelihoods. After decades on the political margins, land reform has hit the national policy agenda once again. This chapter begins with an account of how grassroots action has historically lead to significant reforms of the tenure system. It traces the formation of public interest networks from the earliest examples of public pressure for reform to the current interest networks lobbying on land reform. I then look at how the public interest in land reform was represented in post-devolution Scotland, when various groups and individuals lobbied the Parliament on its proposed land reform package.

Historic Pressure for Land Reform: 18th & 19th Centuries - The Clearances & the Napier Commission Enquiry

Early land reformers campaigned for legal recognition for Highland communities' land rights. They argued that the systematic clearance in the 18th and 19th centuries of local communities from land they had occupied for generations had violated customary de facto land rights and the Highland principle of *Dutchas*. The term *Dutchas* captures the social and environmental attachment to land that I came

¹ Wightman, 1999.

across during my case studies in Borgie, Assynt and to a lesser extent, Glencoe. Local community members made references to “living the land”. Community identity is shaped by the land they work as much as the land is shaped by their careful husbandry. *Dutchas* also carries an implication of inalienable customary land rights for the families and communities who live there. Under the principle of *Dutchas*, a Clan Chief was not seen as the owner of a piece of land, he was the steward of the land and recognised leader of the communities who lived there. A more technical translation of the term is “...the collective heritage of a holding in which it was believed that any holding or plot, having been held and continuously worked by a family group over four generations belonged by customary right to those tenants”². Hunter explains that this “almost untranslatable Gaelic term” did not originally imply any that tenants or clan members’ security of tenure was linked to the length of time they had been there; or that their rights had a time limit on them. The concept that tenure rights had a time limitation was introduced during the sixteenth century, when clan chiefs and their “tacksmen” (responsible for supervising agricultural and military activities within a clan) began to introduce written leases, known in Scots as “tacks”:

“The gradual proliferation of such documents can be seen as an early indication of the way that clanship, for the intrinsically tribal nature of its origins, was capable of evolving in directions which would ultimately result in chiefs being transformed into landlords”.³

By 1598, an Act of Parliament legally obliged all Highland Clan Chiefs to obtain feudal charters – or title deeds to their land. This led to what has been described as a “hybrid institution” of land ownership in the Highlands – it combined the ancient concept of *Dutchas* with the feudal concept that absolute ownership was vested in whosoever held the title deeds⁴. The feudal principle of ownership became the basis of the legal tenure system. It overtook the *de facto* customary principle of stewardship and community ownership rights – which never made its way onto the statute books. With the introduction of the principle of feudal ownership by Lairds “Highland society’s faith in the endurance of older understandings of land tenure was shattered”⁵. Clan chiefs had been replaced by Lairds, whose legal rights enabled them to cancel tenancies and move human settlements off the land if it suited their economic interests. In the late 18th and throughout the 19th century, Lairds began to exercise these rights – leading to the systematic “clearances” of Highland communities to bring in higher rents from the land.

² MacAskill, 1999; and *Dutchas* 1999.

³ Hunter, 1999.

⁴ Wightman, 1999.

⁵ Hunter, 1999.

The clearances have been the subject of very different historical interpretations. On the one hand they were considered a necessary evil, modernising agricultural practice in response to market imperatives and promoting economic development in the Highlands⁶. On the other they have been denounced as an example of excessive cruelty and an abuse of Highland communities' basic rights – including their customary right to land – which caused massive depopulation and devastated livelihoods in the Highlands⁷. During the clearances families were evicted from more fertile land in the inner glens and straths. It was more economically viable to clear out tenants to make way for large sheep farms run by a single contracted or tenant farmer. Tenants were moved to “receiving” areas on the coastal lands, and as receiving areas were limited, Lairds also forced families to emigrate. They were given paid passage to the Americas.

Some of the cleared areas of land had been continually settled and cultivated for over a thousand years.⁸ Nowadays, the pattern of townships perched along the rocky outcrops and coastal cliffs of the Highlands is a typical example of how the clearances affected the demographics and geography of Highland settlements⁹. The policy at this time was to allocate crofts that were not quite large enough to sustain a family. This ensured a viable labour pool to supply the land owners' new fishing and kelp industries¹⁰. Crofters with no experience as fishermen or kelp collectors found themselves learning new skills to make a living¹¹. In some cases, when families arrived at the receiving areas, new homes had not yet been built – leaving them at the mercy of the elements. In some cases it was left to the local church to provide them with shelter¹². One of the Duchess of Sutherland's factors, Patrick Sellar, was so dedicated to the task that he has earned himself a reputation as a notorious villain in local Highland history. Where families were reluctant to leave the land, he burned their homes down to encourage them to move¹³. In one instance this led directly to the death of an old woman, too ill to survive a night outside in winter after her home was burned¹⁴.

⁶ See Smout, 1970; Gaskell, 1968 and Gray, 1957 for literature outlining the economic rationale and eschewing “emotional” responses to the clearances. For a full review of the literature see Hunter, 1976.

⁷ See Hunter, 1999; Hunter, 1976; McIntosh, 2004; and Prebble, 1963 for an alternative history of the clearances, which interpret the clearances as having an ethically, socially, and economically negative impact on the Highlands.

⁸ Fowler, 2002.

⁹ Bangor-Jones, 1988

¹⁰ Hunter, 1976.

¹¹ Hugh Gunn's novel, the *Silver Darlings* illustrates this in his account of members' of a crofting community's trials and heroism as they make the transition from agriculture to survival by crofting poor quality land and fishing for herring. (Gunn 1941).

¹² Prebble, 1963.

¹³ Ibid.

¹⁴ Ibid.

The landowners responsible for the clearances came in for heavy criticism from their contemporaries. The process was denounced as causing absolute destitution and “ heavy depression of the spirits brought about by the expulsion from the land of their fathers, where for centuries they have been located” by Charles Spence, Solicitor before the Supreme Court of Scotland, during an appeal for public support for those who had lost their homes and livelihoods. There was mounting public concern at the growing evidence linking the clearances with forced emigrations and serious rights abuses by the standards of day:

“Those who remember the misery and the destitution into which large masses of the population were thrown by the systematic ‘clearances’...carried on in Sutherlandshire some 25 years ago...those who have not forgotten to what extent the ancient ties which bound clansmen to their chiefs were torn asunder – will regret to learn that the heartless course, with all its sequences of misery, of destitution, and of crime, is again being resorted to in Ross-shire” (The Times, May 1845).¹⁵

Not only was the ancient principle of Dutchas broken by these forced evictions, but local communities also felt that the Lairds had forfeited their right to expect allegiance in times of war. By September 1854, local residents refused to join the 93rd Sutherland regiment leaving for service in the Crimean War. The justification they gave was that their feudal lord had renounced his right to call on them in times of war because he had taken their land and livelihoods from them:

“We have no country to fight for, as our glens and straths are laid desolate...Our lands have been taken from us and given to sheep farmers, and we are denied any portion of them...For these wrongs and oppressions, as well as for others which we have long and patiently endured, we are resolved that there shall be no volunteers or recruits from Sutherlandshire. Yet we assert that we are as willing as our forefathers were to peril life and limb in defence of our Queen and country were our wrongs and long-endured oppression redressed, wrongs which will be remembered in Sutherlandshire by every true Highlander as long as grass grows and water runs.”¹⁶

Troubles rooted in the land tenure system repeatedly caused turmoil in the Highlands during the second half of the 19th century. Crofting communities resisted eviction orders and refused to pay their rents, young men grouped together and organised “land raids” to take back what they saw as legally theirs. The Establishment was alarmed and initially responded to this groundswell of pressure for reform by reading the Riot Act and using strong arm techniques, leading to sometimes violent

¹⁵ Cited in Prebble, 1963.

¹⁶ Cited in Beith, 1995.

encounters between the constabulary, policemen and even the British Marines¹⁷. But by the end of the 19th century, the government submitted to mounting public concern and ordered a public enquiry into the situation in the Highlands. The Commission's remit was "to enquire into the condition of the crofters and cottars in the Highlands and Islands of Scotland and all matters affecting the same or relating thereto." Led by Lord Napier, the government Commission travelled throughout the Highlands taking sometimes harrowing testimonies from local communities. In its report to Parliament in 1884, the Napier Commission concluded that the clearances were responsible for "some restraint, resistance and distress."¹⁸

Local grievances were represented by the Highland Land League. This organisation had thousands of members in the Highlands¹⁹. It promoted direct action and lobbying for land reform – eventually leading to the establishment of the Crofters Party, which returned four members to the House of Commons in 1885, effectively becoming the first UK Labour Party. Based on the Napier Commission's report, this new party introduced the Crofters' Holdings (Scotland) Act 1886, which was passed by Gladstone's government. The Highland Land League and a large number of those who gave evidence to the Commission all argued that the law should be reformed to legally oblige land owners to return the land to crofting communities who had been cleared. Again, the ideological grassroots position that local communities had inalienable ownership rights came to the fore. "Parliament was simply being asked to restore a time-honoured right of which the inhabitants of the Highlands and Islands...had been unjustly deprived"²⁰.

When it came to policy reforms to improve the lot of Highland communities – ownership rights were not recognised. Instead reforms were made to give Highland communities better legal representation and to strengthen their position *as tenant*. This legislation introduced a new tenure system to protect crofters' rights to security of tenure, fair rent and compensation for permanent improvements at the end of a tenancy. It also set up the Crofters' Commission – to represent crofting communities and oversee the implementation of the new legislation. The Act was limited to crofters – or "small landholders" whose tenancies were renewed on an annual basis for rent under £30 in the Highland

¹⁷ Fraser-Grigor, 2000; MacDonald 1998; Prebble, 1963; and Hunter, 1974 and 1976.

¹⁸ The Scottish Land Court. 2002.

¹⁹ Hunter, 1999.

²⁰ Ibid.

counties of Argyll, Inverness, Ross, Sutherland, Caithness, Orkney and Shetland. Reforms also only applied only to crofters who were entirely dependent on agriculture for their livelihoods²¹.

20th Century – Land for Veterans & Further Crofting Reforms

Whilst the reforms introduced by Gladstone's government did mark a positive turning point in land tenure policy, the Highland Land League argued at the time that they did not go far enough. Reluctant to introduce any further land reforms, the Conservative government in power at the end of the century was persuaded to introduce the Congested Districts Board in 1897. Its remit was to support crofting communities' development opportunities. Although this organisation did purchase some land that had been cleared and re-settle it with crofting communities, it was "congenitally strapped for cash". Its impact was as limited as its budget. At the end of the 19th century, the Conservatives' response to the land question was "in no sense epoch-making", and the only serious opposition to their position came from the Liberal party²². When they took over from the Conservatives in 1906, the Liberals made efforts to deliver on their manifesto promise to deliver land reform – ostensibly by introducing the Land Values (Scotland) Bill²³. The bill was passed by a huge majority in the House of Commons, but then took the Liberals headlong into a pitched battle with the House of Lords, which "seriously mutilated" the Bill, then rejected it in 1907.

The Liberal party also tried other non-legislative measures to encourage a change in the pattern of land settlement (if not ownership) for local communities. In 1912 it had replaced the Congested Districts Board with the Board for Agriculture of Scotland giving it a clear political objective to achieve more success than its predecessor with the task of purchasing land and re-settling it with crofting communities. In the long run the Liberal's land reforms did not amount to big changes to the tenure system. The government passed the Small Landholders (Scotland) Act in 1911. This Act effectively extended the provisions of the Crofters' 1886 Act to the whole Scotland. It also replaced the Crofters Commission with Land Courts. The establishment of these Courts was significant – they gave local people recourse to tribunal and a fair hearing for disputes over tenancy agreements or terminations. However, by 1913 local frustration with the still slow pace of land settlement under the new Board of Agriculture prompted an increase in land raids. The land issue had not been solved by strengthening existing tenants' rights; the problem was a lack of accessible land to support local

²¹ Ibid.

²² Douglas, 1976.

²³ Sandilands, 1997 and Douglas 1976.

livelihoods. Fed up with waiting for the Board of Agriculture to process their applications for land, local crofters took matters into their own hands and began to take over sheep farms by force²⁴:

“...a decision that would undoubtedly have been emulated right across the Highlands and Islands in ensuing months had not all such action been rendered redundant, in August 1914, by Britain’s declaration of war on Germany”²⁵.

The First World War renewed longstanding political arguments that local communities should be granted land in return for war service. Calls for reform continued after the War, “as a result of political pressure for immediate settlement to help ex-Service men, land had to be secured as quickly as possible”²⁶. The debate surrounding the Duke of Sutherland’s gift of the land at Borgie in Chapter 7 provides a good example of how seriously the entire government – including the House of Lords – took the situation. A series of Parliamentary Committees was commissioned to investigate the issue between 1914 and 1916, leading to the introduction of the Small Holdings Colonies Act 1918, and the Land Settlement (Scotland) Act 1919²⁷, which gave the beleaguered Board of Agriculture compulsory purchase powers to secure land for ex-service men, and set the course for the State to become a crofting estate owner in the Highlands. It now owns 256,880 acres of crofting estates managed with the objective “to maintain and manage the property through the normal landlord/tenant relationship”²⁸.

In 1931 the Small Landholders and Agricultural Holdings (Scotland) Act extended the jurisdiction of the Land Courts to provide hearings for all tenants regardless of the size or rental value of their landholding. Just after the Second World War, two further reforms championed by Lloyd George increased security of tenure for tenants²⁹. The Agricultural Holdings (Scotland) Act 1949 gave tenants of larger farms the right to pass on the tenancy to their heirs, and made it impossible for a landlord to enforce a notice to quit without the consent of the Land Court. The Crofters (Scotland) Act 1955 re-established the Crofters Commission in Highland Counties. Since then Highland Crofters have used both the Crofters’ Commission and the Land Courts to protect their rights and represent their case to landlords.

²⁴ Leneman, 1989 and Hunter, 1999.

²⁵ Hunter, 1999.

²⁶ HMSO 1928.

²⁷ Ibid. and HMSO 1916

²⁸ Pers comm. Scottish Executive, Estates Department Employee. See also Chapter 2, page 29.

²⁹ Douglas, 1976.

Throughout the 1960s and '70s authors like John McEwen were largely credited with keeping the land question alive. In 1977, McEwen published the first of many books that raise the issue of land rights and ask the question: Who Owns Scotland?³⁰ In it he provides one of history's first attempts to give the public information about who owns the land of Scotland. For his efforts, McEwen was vilified by the landed lobby of the day. First, because he was claiming that the public had a right to know who owned land and how much they owned. If this shocked some private landowners at the beginning of the 21st century, when the new Scottish Parliament introduced the prospect of a Land Register in its land reform package, it certainly shocked their predecessors back in the 1970s. What shocked them some more was the challenge to their exclusive rights of ownership. McEwen's case for more equitable distribution of privately owned land raised the spectre of nationalisation and land confiscation³¹.

In calling for land reforms, he was joined by the author, James Hunter, whose PhD thesis was published as a book that quietly turned things upside-down in academic circles. He had re-written the economic history of the Highlands, challenging respected and established historians' presentation of the clearances as an economic necessity. Instead he presented them as a series of rights abuses – an indictment of the British land tenure system, which, he argued, continued to limit Highland Communities' development and livelihoods opportunities. He continued to argue this when he became a founding director of the Crofters' Union, where he found several likeminded supporters. Grassroots pressure has consistently come from local communities' need to access land to secure their livelihoods. However, up to this point successive reforms have all aimed to improve livelihoods security as *tenants*, not owners. Pressure from the Crofters' Commission, the Crofters' Union and others saw this finally change in 1976 with the introduction of the Crofting Reform (Scotland) Act. This gave Highland crofters an automatic right-to-buy their croft – whether the landlord wanted to sell or not. In 1978, the Highlands and Islands Development Board (where James Hunter now worked) tried to introduce “modest proposals for dealing with extreme cases” – but met with resistance from government³².

Aside from “piecemeal” land reform, the land question was given little attention in the politics of the 1970s. The Conservatives were not historically sympathetic or interested, for them it was a case of if it ain't broke, don't fix it. Although the Liberals had historically championed land reform, it was not

³⁰ McEwen, 1977; Cramb 1996; Wightman, 1997; Callander 1987 and Shoard 1987.

³¹ McEwen, 1977 and Bryden, 1996.

³² Bryden, 1996.

high on the Liberal's political agenda at this time either. By 1997, the Labour Party's winning election manifesto included promises of radical land reform, but during the 1970s and '80s, the Labour Party did not call for any major land reforms. The only real political support for major reforms came from the SNP; and its influence was very limited in Westminster:

"...the SNP was talking about crofting and Land Reform in the '70s but, of course in the '70s people didn't take us so seriously. So, it would have been seen as part of this peculiar area of political thought that could easily be pushed to one side...the Labour Party has never really quite understood the force of what you might call *rural radicalism*...the Labour Party in the '70s was very much urban industrial" (Roseanna Cunningham, MSP, SNP).

All in all, during the Conservatives' tenure at Westminster from 1979 to 1997, the question of land reform – traditionally a left wing or liberal cause – was relegated to the political margins. Lone voices continued to argue the case throughout the 1980s and early '90s. Although it was kept off the political policy agenda, land reform was still being actively promoted by some leading academics and campaigners in Scotland. In 1992, John McEwen died at the age of 105. He had been awarded an OBE for his service to the Forestry Commission in 1963, and made a fellow of the Royal Scottish Geographical Society in 1980, the year a second edition of *Who Owns Scotland* was published. Now his land reform advocacy was given widespread public recognition by a group called The Friends of John McEwen. They set up the McEwen Memorial Lectures, to stimulate public debate and discussion on land tenure in Scotland. Each year from 1993, academic heavy-weights and leading thinkers like as John Bryden, Robin Callender, James Hunter, Andy Wightman, Bryan MacGregor and David McCrone delivered lectures on land reform, they were finally joined by a politician when Donald Dewar, First Minister for Scotland delivered a McEwen lecture in 1998. The lectures also created a forum for land reform minded people to come together:

"The McEwen lectures became such a rallying point, every year the audience got bigger, you had one group of 400 people in the morning and another group of 400 people in the afternoon, that's a reasonable turn out at a little event. When the Labour administration arrived and said: right, let's go on Land Reform, on the one hand they acknowledged, and you can see it in the introductory statements by Dewar in his McEwen lecture, he acknowledged that people like Jim, Andy and I had in a sense had an influence on preparing the ground" (Robin Callender, Specialist Adviser, Scottish Land Reform Convention).

In 1995, the Secretary of State for Scotland and Conservative MP, Michael Forsyth played his small but significant part in promoting land tenure reform – at least when it came to State owned land. He was interested in promoting community development initiatives. He proposed that the Scottish Office

should transfer ownership of 250,000 acres of crofting land to community trusts³³. Following a visit to the Laggan Forestry Initiative in 1996, he also announced his support for this community's bid for ownership or more control over the management of the publicly owned Strathmashie Forest³⁴. This top-down support for more grassroots control of public land eventually led to the Transfer of Crofting Estates (Scotland) Act 1997. Although communities tried to acquire their crofting estates using this legislation, to date, they have not been successful. In the same year, however, the Forestry Commission issued a moratorium on the transfer of large-scale state forests. This meant that communities seeking options for more control over their local forests had to settle for management agreements with Forest Enterprise. Beyond limited political support and even less action during this time, every one of the national interviewees felt that Scotland was governed from Westminster kept the issue off the agenda:

“The fact that Scotland is reputed to have the most concentrated patterns of ownership in the developed world was a situation which should have been addressed, but there was no chance of it being addressed under Westminster rule...” (Andy Wightman, Specialist Adviser, Scottish Land Reform Convention).

The Scottish Landowners' Federation put it down to a case of “legislative constipation”. Everyone else also agreed that there was not enough parliamentary time to cover land reform as “one of the two Scottish issues that Westminster dealt with each year”. There was a broad consensus that time was never going to be *made* for Scottish Land Reform under a Conservative government. Conservative reticence was confirmed by Alex Johnstone, Conservative MSP:

“I suspect if the Conservative government had continued, or if there was a Conservative administration elected here. I know it sounds unlikely, but let's talk hypothetically about it...Land Reform wouldn't have been top of our agenda, it would have been well down, we would certainly have looked at the issues surrounding Land Reform, because there was a political drive for it in certain sectors...but the likelihood that we would have acted upon it in the short term is extremely unlikely.”

During the plenary session of the fifth McEwen Lecture on Land Reform delivered by Donald Dewar in 1998 as part of the government's launch of its new land reform proposals, Mr. Johnstone was more candid. He stated that a Conservative administration would *never* have put land reform on the agenda. There was “no need for it”. There was an almost universal consensus across the national and local

³³ The Herald, 21 Oct. 1995.

³⁴ Tylden-Wright, 1999.

research participants that resistance by the House of Lords kept it off the parliamentary schedule. “To what extent do you clog up the Westminster Parliamentary time table with big battles with the House of Lords? That’s an active, pragmatic consideration for Parliamentary timetablers” (Andy Wightman, Specialist Adviser, Scottish Land Reform Convention). Many members of the national network felt strongly that land reform had been kept off the political agenda because landed interests held positions of power and influence in Westminster; this enabled them to “control and influence the nature and character of debates” and shape UK policy agendas according to their own interests – notably but not solely because of the land owning aristocracy’s hereditary positions in the House of Lords.

This combination of resistance by powerful landed interests and a Conservative administration led to inertia on the land question until the Labour government rode into power in 1997 with a manifesto that included twin commitments to devolution and land reform for Scotland:

“....under Westminster, there were no opportunities for real change, not in the last one hundred years. Therefore, if there is not any opportunity for change, then the *status quo* becomes recognised as an infallible truth that this way that the land is owned and managed, and so it is not considered to be a valid area of policy to be discussed at a national level. That’s why when the Scottish Parliament was established, they saw this as a political opportunity. They saw the political benefits in being seen to be doing something very new and very different” (Munro Gauld, Development Officer, Reforesting Scotland).

The return of land reform onto the mainstream political agenda was signalled by the Labour Party’s commitment “to initiate a study into the system of land ownership and management in Scotland”, in its Manifesto for the 1997 election. After saying very little on the issue during 18 years in opposition, why did the Labour Party introduce land reform to its manifesto in 1997? The SNP’s continued support for land reform was cited by Roseanna Cunningham. As support for the party increased land reform also “forced its way onto the agenda and while it was always a significant thing for the SNP it didn’t seem to be such a significant thing for Labour. I suspect they began to see politically that this was an issue that had to be addressed...and that one party was getting all the kudos for addressing it. Then you had between the SNP and the Labour Party an overwhelming majority for change” (Roseanna Cunningham, SNP MSP). Others felt that the land reform issue “had always just been a Labour Party aim, and not having been in power for 18 years, it was unfinished business as far as they were concerned. When they got into power that was their opportunity to do something that had always been on their agenda” (John Watt, HIE Community Land Unit).

Without exception, the national networks shared the view that the commitment and dedication of some Labour MPs had really played an important part. Momentum for reform was built up by more than “just Forsyth creating mischief”. MPs John Sewel, Brian Wilson and Calum MacDonald were all credited with promoting the issue inside the Labour Party. Brian Wilson and Callum MacDonald had stimulated debate about the issue at Westminster, aided and abetted by the SNP who told me that “even to have land reform debated, you had to do it by way of adjournment debates, which they held in 1995 and ’96”. Brian Wilson also founded the radical West Highland Free Press, a pro-reform Highland newspaper. He was seen as having the most influence here. He had “campaigning on Land Reform almost his entire adult life...and drove the agenda forward by getting into power and having a position of influence” (David Ross, Land Reform Correspondent, The Herald). As a Scottish Office Minister before devolution he “ordered HIE to set up the Community Land Unit”, to support communities who wanted to buy land. He also set up the *Initiative at the Edge* scheme to support rural development for remote and vulnerable communities in the Highlands. Other land reform campaigners’ strategy was also credited with influencing the party: “People like Jim Hunter, Andy Wightman and Robin Callender had fought to raise its public profile, they wrote books about it”. They also planned their conferences and timed certain publications to coincide with the Labour Party’s election:

“Now, the Understanding Land Reform conference...was carefully timed...because the government had come in and said: yes, OK, we’re going to have Land Reform, the concern always was, *how serious are these guys?* ...our judgement was that by the spring of ’98 they should either have made the proposals, in which case a conference was a good opportunity to react to them, or if they hadn’t made the proposals you needed the conference to say: where...were they? So the conference was organised with first speaker, Robin Callender, second speaker, Andy Wightman, Jim Hunter, and Greig Lloyd, and the other speaker was John Sewel, in the end of course what happened was, that they hooked the launch of their first proposals onto our conference, so this is the dynamic of how individuals or individuals can collectively can influence things” (Robin Callender, Specialist Adviser, Scottish Land Reform Convention).

This investigation of the evolution of public pressure for reforming the land tenure system demonstrates that the first really radical reforms in 1886 resulted from local communities acting collectively to promote their interests. However, Conservative political ideology and established “landed interests” have had a much more powerful influence over the government’s land tenure policy agenda. It also demonstrates that grassroots pressure from crofting communities in the Highlands achieved reforms only when combined with public and political support and notably when it tapped into public sympathy for landless veterans. This combination of factors has historically brought the

most significant reforms aimed at improving local communities' livelihoods options via security of tenure. Beyond the 1976 Crofters Act, no UK land reform has directly tackled the thorny issue of breaking down the highly concentrated pattern of land ownership. This was explicitly recognised by the Labour government in its proposal to reform the tenure system to diversify land use *and* ownership, which they identified as barriers to sustainable land-based rural development³⁵. The next section looks at how the public interest in land was represented at the turn of the 21st century – and at how the government responded to the networks that got together to lobby on the outcome of the Labour Party's commitment to introduce land reform.

Section 2: Protecting the Public Interest in Land in Post-Devolution Scotland

The Abolition of Feudal Tenure Bill

The principles underlying ancient concepts like *Dutchas*; collective clan stewardship and land-for-service were very apparent in the way the majority of local and national interviewees defined the public interest in land. From the local level to the national, it was clear that these principles influenced modern day attitudes to landownership in Scotland. They may be more apparent in the Highlands and Islands – the last part of Scotland to submit to the model of feudal tenure where the Laird became the primary beneficiary and local communities the lowest order of vassals - rent-paying tenants with no legal security of tenure. The SNP, the Green Party, Reforesting Scotland, the Land Reform Group, the Scottish Land Reform Convention, the Wild Land Group, the Association of Churches of Scotland, local community representatives, the Chairman of Highlands and Islands Enterprise, the Highland Council and the Community Land Unit all made explicit reference to the concept that the primary interest in land in Scotland lies with the people when discussing the public interest. Beyond the individual owner's property rights, all of Scotland has a stake in land ownership:

“I have always thought that the Scottish attitude to the land is more easily explicable to some native peoples in other parts of the world than it is to other parts of the UK ... if you talk to native American it seems to me that some of the ways they talk about land are more resonant with the ways people in Scotland think about land. Ownership here has never really meant absolute ownership; it is more akin to stewardship. That means that people who don't own land nevertheless *do* believe they own it in a broader sense. I find it really

³⁵ Scottish Executive, 1998.

hard to believe in a concept of owning half the Highlands, owning the land; it seems to me like owning rivers and owning the sky” (Roseanna Cunningham, SNP).

“I think that the cultural understanding of land is that ultimately it does belong to the people, and that will never disappear...” (Andy Wightman, Specialist Adviser, Scottish Land Reform Convention).

The hue and cry over plans to sell Ben Nevis or the Black Cuillin Mountain range in Skye tapped into this Scottish attitude to land ownership – there was national outrage that an individual could buy or sell a symbolic natural monument as private property³⁶. The more conservative elements of the national and local networks did not concede a priori public ownership rights – far from it, their position was that private landowners had sovereignty over their land, and should be as free as possible from state intervention in the public interest. Every one of the more conservative network members – the Scottish Land Owners’ Federation, the Conservative Party, and the Royal Institute of Chartered Surveyors (RICS) – did, however, recognise a public interest in land. Private owners and their representatives frequently described themselves as “stewards”, “guardians” and “caretakers” of land. In my interviews, in their submissions to the Scottish Executive and in comments to the press they defended Scotland’s highly concentrated pattern of private landownership by claiming their financial investment and careful husbandry served the national public interest by protecting the environment and supporting the rural economy. Conservation owners made the same points, with more emphasis on conserving the nation’s natural heritage in the public interest. Representatives of public land owning agencies like the Forestry Commission, Forest Enterprise and SNH had a more rounded view of public interest service. They were united in the view that their remit for state land management is *by definition* to deliver social, economic *and* environmental benefits in the national public interest. Public land is managed in the public interest.

Although the new Labour administration announced that the abolition of feudal tenure was part of its commitment to land reform in 1997, by this stage it was already a work in progress. The Conservative administration in Westminster had asked the Scottish Law Commission to begin work on drafting the Abolition of Feudal Tenure Act. Their policy was “to let the system down as slowly and gently as possible, because we weren’t able to defend it essentially” (Alex Johnstone, Conservative MSP). The Scottish Law Commission had been patiently working away at it for eight

³⁶ Jim Wallace, Lib Dem MSP and Deputy First Minister, reportedly claimed that if the Cuillens were to be handed from one private owner to another, he had no problem with it. (John Digney, Land Reform Scotland); and see Ross and Maxwell 2000 for an outline of the lobbyists who opposed the sale of the Cuillins.

years when the New Parliament arrived. They were moving towards introducing a unified property system – whereby land would have a very similar status as any other type of property – and title holders would have absolute ownership rights. However, more radical lobbyists began to challenge the Law Commission after devolution had opened up the process to public scrutiny. They argued against moving to a system of absolute ownership. Based on the principle that the people of Scotland have an inalienable interest or right to land, they argued that the new Act should contain specific legal recognition of the public interest in land. They proposed retaining the Crown as the symbolic owner of Scottish land. This confused some, who felt that the Crown represented the Monarchy and not the people. What surprised many was that the proposal was supported by Roseanna Cunningham, SNP MSP, sometimes been dubbed “Republican Rose” due to her outspoken position on abolishing the Monarchy. This lobby failed, partly because their position seems to have confused too many people:

“...how do you get the concept of stewardship rather than ownership into a piece of legislation? Now that’s the difficulty the land lobby tried to address by using this concept of the Crown, but that was never going to fly...and yet it had to be me that argued for it in Parliament, because I was the main opposition spokesperson. The problem was divorcing the concept of the Crown from the monarchy and this was effectively what they were trying to do...That’s fine if you are writing a philosophical treatise, but the truth of the matter is that you are not, you are using English, and the “Crown” doesn’t mean the “public interest” in ordinary English, and I think that’s where the land reform lobby fell down badly!” (Roseanna Cunningham, MSP, SNP).

And then it got even more complicated:

“...we then had a further misunderstanding where people thought that we were talking about socialism and state ownership of land which we were not, we were talking about a philosophical attitude that there should be public interest in land – *res publica*...we felt we were throwing the baby out with the bathwater, getting rid of feudalism and getting rid of any legal recognition of the public interest” (Robin Harper, MSP, Green Party).

The lobby for retaining the Crown as the legal representative of the public interest in land was finally dismissed by the Land Reform Policy Group as “old-fashioned and undemocratic”³⁷. Outside Parliament, the land owners’ lobby was reportedly pleased with the outcome, as it effectively gave them absolute ownership – increasing their sovereign right to manage their land as they see fit, or as one local land owner’s representative put it “according to their whims”. It also alleviated fear and

³⁷ The Scottish Office, 1998.

suspicion that public interest lobbyists were really driving an agenda for land “nationalisation by the back door”³⁸, using Zimbabwe’s Robert Mugabe as a “role model” for the Scottish Executive³⁹. Others felt that the outcome of this debate was academic. “The public interest was not destroyed or obliterated by the final wording of that Act...a country’s land belongs to the country’s people, and that is the position in almost every constituted country in the world.” (Robin Callander, Specialist Adviser, Scottish Land Reform Convention). The principles of stewardship and collective rights to land continues – outside the statute books – as a *de facto* right upheld by its recognition by the Scottish people⁴⁰.

The Land Reform Policy group instead proposed that the public interest would be served by retaining some feudal burdens on land ownership. These burdens, known as “real burdens” would be retained where they “can be used to maintain the amenity of an area and to safeguard the interests of neighbours or members of the community”. When the Act was finally passed, some “real burdens” had been retained and given a new name: “conservation burdens”. Scotland moved from a system of feudal ownership to a system of absolute ownership – re-named: “simple ownership”. The next section looks at public interest representation by the networks of groups and individuals that lobbied on the next stage of the Parliament’s land reform package.

What did the Policy Networks think of the Land Reform Bill?

While the work to abolish feudalism was already underway, in 1998 Donald Dewar used his delivery of a McEwen Lecture as the public platform for introducing the new administration’s proposed bill for land reform – a package of reforms designed to complement the abolition of feudal tenure by tackling wider tenure policies to remove “the land-based barriers to sustainable development”. Looking at the objectives set out for the Bill, and the “emerging vision” for land reform⁴¹, serving the public interest relates primarily to promoting local communities’ development opportunities by improving diversity of land use *and ownership* and increasing community involvement in land management. As Douglas Greig, the Head of the Land Reform Policy Group explained, getting an accurate representation of the public interest was “very much at the core” of

³⁸ Ibid.

³⁹ Scotland on Sunday, 1999.

⁴⁰ Callander, 1998.

⁴¹ Scottish Executive, September 1998.

their work, and had stimulated them to try and include as wide a range of public opinion as possible in the Bill's passage:

"The Land Reform policy group have taken a wide range of opinion...it was keen to recognise that there was a broad developmental public interest here. Developmental in all sorts of ways – social, economic and environmental – which all had to be reflected....the main conclusion was that we needed to break down any land based barriers to development, and the land reform action plan has that very much at its core. It also of course takes on the Scottish Executive's action policies of social empowerment; the social justice agenda and the economic development agenda. So...the interest of the public argument has been taken on board during the land reform agenda, it is at the core of it. (Douglas Greig, Head of the Land Reform Policy Group).

The next section looks at the key actors in the national networks that tried to influence the outcome of this bill, comparing their views on the consultation process, their objectives and how they represented different elements of the "broad developmental public interest" in land reform.

Political and Public Interests

The Conservative party and the Scottish Landowners Federation both were both concerned that if land reform was going to be on the agenda then "it is incredibly important that we get it right". They were felt that there was a danger that it was being used as a "political war-stick" to serve political rather than public interests:

"...from a party political standpoint, the reason it is on the political agenda at all is that someone somewhere believes that there are political points to be scored on this. I have to say that from my own background that I don't think Land Reform on a *Scotland-wide* basis is the issue that some people believe it to be..." (Alex Johnstone, Conservative MSP).

Without exception, regardless of their political view of the land question, all network members had some concern that the land reform proposals could end up as no more than "a great way of demonstrating political muscle to the body politic" (Munro Gauld, Reforesting Scotland). The perception here was that although the proposals were overseen by John Sewel as the Chair of the Land Reform Group, the influence of dedicated land reformers like Brian Wilson and Callum MacDonald waned after devolution, as they were in Westminster. A high proportion of people at the local and the national level questioned the commitment and political will of the members of Parliament now responsible for the process. Likewise, there was speculation that the civil servants

involved had a “conservative with a small “c” attitude to land reform, which may have influenced the outcome. This was despite the press and Parliament hailing them as harbingers of the most radical reforms since 1886. One participant summed up the general feeling amongst the less conservative elements of the network:

“I don’t think that they really feel brave enough to really tackle landed power, I don’t think they feel brave enough to do something about absentee landlordism, about the laws of inheritance, about off-shore trusts, about regulating the land market, that’s just too radical...So, they got the analysis wrong, because they are innately conservative. Also, and this is the cynical bit, they want to be seen to be doing radical things, to be doing popular things but they don’t really want to face the implications of anything too radical”.

The fact that the land reform package brought the separate questions of public access, land tenure reform *and* crofting legislation together in one bill was seen by almost everyone as a mistake. Some people interpreted this as an indication of the government’s lack of commitment to the issue of land reform. It was also put down to “expedience”. By putting the three issues together, the Parliament would be able to push through reforms on all three more quickly. However, including all of them in one bill was felt to make the legislative process “unwieldy” because it was presided over by two separate Parliamentary Committees, and “in the process of scrutiny and consultation you are looking at three entirely separate things”. In the clamour over access, some felt that land reform issues had not been given the attention they merited. The three-for-one approach also limited the time available for parliamentary debate on land reform, as Roseanna Cunningham pointed out:

“In the Stage One debate, which might be as long as two hours fifty minutes...I’ll have 20 minutes to state my position on Access *and* the Land Reform proposals *and* Crofting...by putting one piece of legislation through, it might take a year but they’ll do it, whereas if they had three separate pieces of legislation, they might have managed two of them before 2003, but they wouldn’t have managed a third. It’s about putting ticks in the boxes”.

A large number of bodies and organisations were involved in the mammoth task of drawing up this “all-singing-all-dancing” Bill. SNH led the development of the proposals on access, managing additional public inputs by convening an Access Forum to inform its policy drafting. The Land Use division within the Scottish Executive’s Environment and Rural Affairs Department was responsible for drafting the sections on land reform. The Land Reform Policy Group was responsible for delivering the final Bill, under the auspices of two separate Parliamentary Committees (Rural Affairs

and Justice & Home Affairs). The involvement of such a large number of bureaucrats, politicians, NGOs and other public interest representatives' paved the way for a very open and inclusive set of proposals to be put on the table for the public consideration. One participant commented that there "was a sincerity with which they tackled it, they wanted it to come on the agenda because of dissatisfaction and the popular outcries over the Assyns and Eiggs of this world, but on the other hand they didn't give it enough time to analyse the underlying causes of the situation they were faced with". However, the proposals did give an explicit commitment to tackle deep-rooted land tenure problems, they promised to:

"Increase the diversity of the way land is owned and used, as the best way of dealing with damage to the local community or environment which can result from *monopoly ownership* and of encouraging the fullest possible exploitation of rural development opportunities."⁴²

Language like this had the traditional landed lobby up in arms almost immediately. As the process went on they became calmer, concluding that "while there is some radical language in there... it might affect one or two major land owners who are in the wrong place at the wrong time, but it won't in reality have a significant effect, and people like me will be trying hard to water it down still further" (Alex Johnstone, MSP). Despite their public commitment to tackle the pattern of land tenure, some participants argued that the first consultation document was framed to encourage "predetermined" and "conservative" public inputs from the outset. A close reading of the first consultation document does indicate that the Land Reform Policy Group may have already vetoed some of the options presented during the seminal McEwen lectures, and in the Scottish literature on land reform.

One option presented to Parliament included limiting or prohibiting absentee landowners – by limiting the size of landholding they could buy; by making residency a condition of purchase; or by prohibiting foreign owners from buying land. Supporters of this option felt that there was justification for regulating Scotland's land market. With the exception of Denmark, it is the only European country to operate an unregulated land market. It would also help to stamp out "trophy purchases" of land and the high-profile disasters that can follow when "owners pay millions of pounds for Scottish Estates and fail to develop good (or any) relations with the local communities who live on the land". The SNP suggested that the Bill could stamp out some of the problems associated with absentee owners by placing a legal obligation on purchasers to have a "fully accountable representative in Scotland". This option was not included.

⁴² Scottish Executive 1999

Instead the only option included in the consultation document to discourage absenteeism and unaccountable was a suggestion that all companies and Trusts should be prohibited from landownership. This method of limiting absenteeism was then (quite accurately) described as “massively complex to devise and administer...constitut(ing) a major interference with individual rights and choices...” It also stated this option “would in all likelihood be in contravention of the European Convention on Human Rights (ECHR)”. All this before asking: “is there a strong enough case to justify pursuing any such prohibition?” As one network member commented, “put like that, you would need to be insane to say ‘yes’”. In the event, the landed lobby did play the ECHR card. Those who supported more radical reforms to tackle the concentration of landownership were amused by this, wondering aloud if protecting the Scottish landed gentry had been foremost in the authors’ minds when they sat down to draft the convention. Amusement aside, they all felt that this had had a very strong influence on the Bill’s passage. It had given the landed lobby a “strong hand”.

The first consultation document also seemed to play down the possibility of using land reform to achieve any substantial alteration of the pattern of land tenure. Instead it suggested that regulating land use in the public interest may be a more suitable tool than aiming to redistribute land:

“The existence in many parts of the country of what are in effect local monopolies may on occasion stifle local development. But so long as the land is used so as to foster thriving communities, then it may be that the public interest is satisfied, whether or not land ownership changes. Concerns about the way in which land is used could *in the first instance* be addressed by public intervention to amend land use. But *in some circumstances* it may prove necessary to address the ownership issue” (Emphasis added).

That said the final Bill did not include any provisions for regulating the impacts of non-public land owners on opportunities for community development or involvement. Instead, this objective was delivered via a voluntary code of practice for private land owners (including conservation NGOs); and by increasing the obligations of public bodies to consult more with local communities and improve their delivery of local socio-economic benefits. The “ownership issue” was addressed by the introduction of the conditional community right-to-buy, which applies if the community has met several conditions needed to pre-register a note of interest six months before the land comes on the market. The compulsory purchase powers mooted in the first round of public consultations did make

it into the Bill – despite the horror this provoked in some landed circles. The Minister can only exercise the compulsory purchase power if a landowner transfers land on the open market without giving a local community (which has pre-registered an interest in buying the land) an opportunity to buy. The following sections look at the national network members' views on these final proposals.

Traditional Landed Interests

Some members of the national network and the majority of local people shared the view that the land reform process was heavily influenced by the landed lobby. However, others who also supported far more radical reforms were less sure. Two journalists indicated that the “SLF had spent a vast amount of money wining and dining politicians without a hellish big return on their investment”. Interviewees frequently referred me to the rumour that during John Sewel's own efforts to consult public opinion, “he'd got to the Dukes and was well down through the Earls...but, to his credit, he was relatively little moved by the experience”. The landed lobby was represented by the well-established, highly professional and well funded Scottish Landowners' Federation (SLF). In the face of hostile press coverage the SLF was keen to promote a more modern, caring image to the public:

“The SLF are very straightforwardly motivated by the representation of their members, traditionally they were very hostile to the whole concept of land reform...basically because that's what their members want them to do, they have changed attitude ever so slightly which is resulting in a slightly different perception for me of the SLF and that is of an organisation that's desperate to be perceived as being more radical than it was in the past, more willing to consider radical concepts”.

In the consultation documents “Landowners” submissions were summed up as “broadly in favour of the *status quo*; were opposed to any increase in land regulation; argued that changes will lead to a reduction in local development and employment; suggested that any diminution of their current rights would require compensation; (and) emphasised their commitment to land and the local community”. “Landowners” were classified as a separate category in the Executive's weighting process. This meant that their views were submitted via their representative groups, the Scottish Landowners' Federation and the Landowners Group, the Royal Institution of Chartered Surveyors, via their own submissions and through their “land agents” who were “much more uniform in their views than the landowners, and even more opposed to most kinds of change”. During my research traditional land owners, their supporters and their representatives argued that the negative stereotype presented by the press was

unfair. Instead they promoted the “concept of the benevolent land owner and the concept that trickle down economics works in rural Scotland, and there is good evidence to support it”:

“There is a significant perception that it is all about creating legislation to deal with the occasional bad land owners, land owners who have been hyped in the media to make them look typical. We don’t accept that there are sufficient to justify what is being proposed. But that doesn’t mean that we don’t engage in legislative debate” (Maurice Hankey, Director, SLF).

Amongst a good deal of the responses from the traditional, large landowners and their professional representatives, the idea of community ownership had them penning stark warnings about “communism”, it prompted countless references to Lenin, Stalin and the disastrous consequences of Eastern European nationalised land ownership. Alex Johnstone, the Conservative MSP made the headlines when he denounced the plans as “Stalinist”⁴³. Gradually, however, the landed lobby recovered from their initial fright as the “proposals have been honed down they have come nearer and nearer to a point which may be acceptable to those who currently own land in rural Scotland” (Alex Johnstone). The emerging consensus was that the legislation would affect a very small number of landowners, and, as one local landowner put it: “not on valuable land, it would really only be used on barren land”.

They still retained some serious concerns but were confident that “these have been addressed periodically by Jim Wallace”. These concerns included fears that the community right-to-buy would result in “cherry picking” – where communities would only register an interest in the best parts of an owners’ land, reducing the value of the remaining land. The legislation was designed to avoid this – communities have to buy land “as lotted by the seller”. There were questions about the “propriety of public funding going to benefit a small number of individuals and about the longer-term financial viability of some/all of such ventures”⁴⁴. Landed interests and their representatives were also worried that land that was subject to a pre-registration of interest by a local community would lose its value; in which case, they argued landowners should be compensated for any financial loss incurred. In the same vein, there was also concern that community ownership would be prioritised for government funding:

⁴³ Ross, 2000.

⁴⁴ Scottish Executive, 1999.

“...across huge areas of Scotland land in private ownership is the basis of the rural economy, and it certainly should remain the basis of the rural economy. So, where legislation appears to give one form of ownership an advantage or a higher value in the eyes of government than another form of landownership then I would begin to have questions about what the motives were”.

Another suggestion from the landed camp was that the £10m of lottery funding earmarked for community buy-outs under the New Opportunities Fund should instead be given to private land owners to help them “start preparing the land” for the proposed changes to the legislation on recreational public access to land. They were also against the proposal to oblige owners to list the beneficiary owners of land in the new Land Register of all landowners in Scotland, as “a property might be left to the oldest child, or to a discretionary trust, so a person could be named, but they might never benefit from that ownership. We don’t think it is right that they should identified, we do think that one individual may be identified – and that is not necessarily the factor, it should be someone on the board of trustees, for example” (Maurice Hankey, Director, SLF).

They were also reported to have “virtually all” believed “that it is the management of land that matters”, and not who owns it. This was not born out of any interest in increasing regulation to improve land management – the point was made to justify their opposition to any prohibition of foreign or corporate (non-resident) land owners. None of the more conservative elements of the land reform networks supported the concept of increasing regulation or placing additional obligations on landowners to improve their socio-economic impacts on local communities:

“We accept the public interest in private land, which is, after all Scotland, but if the public interest is taken too far then you remove the ability of the land manager to do his job and then you risk losing a great deal” (Maurice Hankey, Director, SLF).

The NGOs

The large, conservation NGOs were more actively involved in the debate over the Access provisions in this Bill, as members of the Access Forum convened by SNH. They did provide written responses to the tenure reforms proposed in the land reform package. Amongst the eight NGOs who responded to the first round of consultations on the tenure section of the Bill, five of them were land-owning conservation NGOs, the other three included the Scottish Council for Voluntary Organisations, Shelter and the Rural Forum.

One member of staff at the National Trust felt that other conservation NGOs, such as the Scottish Wildlife Trust “boxed way above their weight” by comparison with the National Trust when it came to influencing government policy. Yet the Trust has historically had a good record of its own when it comes to influencing policy. It made sure it was exempt from the 1976 Crofters Act, and was the only body exempted from The Crofting (Scotland) Act 1993. Under these Acts, National Trust tenants were not entitled to buy their crofts. The National Trust was also highly successful when it came to influencing the Abolition of Feudal Tenure Act. It fought for and got exemption from the abolition of feudal burdens on its land – these have been converted into “conservation burdens”. The Trust also lobbied for exemption from the community right-to-buy provisions, but this time the Land Reform Policy Group gave them an emphatic no:

“The draft Bill does not exempt any class of landowners; Ministers believe that all landowning bodies should be treated equally under the new legislation.”⁴⁵

The National Trust did not get an exemption, and their previous exemptions disappeared. They are now subject to the new Crofting Community right-to-buy as well as the more general Conditional Community right-to-buy. Chapter 2 recounted that conservation land owners were not exactly popular landlords with some local communities. However, conservation NGO land owners will not be subject to any increased legal provisions – or government incentives – aimed at improving community involvement or development opportunities on their land. This counters their own input to the Bill. They “agreed that management not ownership is the prime concern”, and in this context they supported the introduction of codes of good practice “but called for clearer guidelines from government and the integration of incentives”⁴⁶.

Civil Society Gets on Board: Formation of the Scottish Land Reform Convention

Of all the responses summarised here, support for more community involvement in land use decision-making was reported amongst all categories of respondents, except public bodies, private land owners, their agents and their professional representatives. The main representative of community interests at this level was the Scottish Land Reform Convention. A frequent observation made by all but the more conservative network members was that there was a lack of civil society groups who were geared up and ready to go when it came to lobbying the Parliament on land reform, “because it had been off the

⁴⁵ Scottish Executive, 2001.

⁴⁶ Scottish Executive, 1998.

agenda, or not on the agenda for generations. Where was the NGO that dealt with land reform?" Following discussions at the Scottish Civic Assembly in October 1998, the Scottish Land Reform Convention was formed by a group of "disparate" NGOs and civil society representative groups "committed to land reform and committed to a view of land reform which goes beyond just getting the conveyancing right".

It was headed by a steering group including Action of Churches Together in Scotland (ACTS), the Scottish Trades Union Congress (STUC), the Convention of Scottish Local Authorities (COSLA), and the Scottish Council of Voluntary Services (SCVO), which gave it "credibility", and helped to ensure that the group was recognised as representing a "broad civic agenda". The Convention had two specialist advisers, Robin Callander and Andy Wightman. It functioned as an umbrella group to "stimulate and conduct debate in civic society about land reform...not only on the two Bills that Parliament is considering but also about the on-going land reform agenda". The Convention was not formed until after the Scottish Office had issued the first two rounds of public consultation on the land reform proposals. It did not submit responses to the subsequent consultation documents; this was left to individual members its purpose was to act as a "network of networks... providing a forum for debate"⁴⁷. Very "late in the day", a new member, the Community Land Action Group (CLAG) signed up to the Convention. CLAG was formed in June 2000 to represent local communities after three rounds of public consultation had already gone by. It was welcomed by national and local stakeholders who took part in this research who felt that finally their views could be voiced in the national debate:

"...we needed some way of having a single voice, rather than somebody shouting from Assynt and some else shouting from Eigg, there should be some way of us all being able to speak together, a *lobbying* group. Also, as we were all at different stages, there was the people there from Eigg, and others who've been so successful, and they've been through it all, but they learned as they were going along, and we felt that there should be....a support network" (Anna MacConnel, North Sutherland Community Forest Trust).

⁴⁷ The full list of members of the Scottish Land Reform Convention is as follows: Churches and Nations Committee; Shelter (Scotland); Reforesting Scotland; Land Reform Scotland; Ramblers' Association of Scotland; WWF (Scotland); Scottish Crofters' Union; Association of Scottish Community Councils; RSPB; Caledonia Centre for Social Development; Friends of the Earth Scotland; and the Poverty Alliance. See <http://www.srds.co.uk/slrc.htm>.

The objectives of the Scottish Land Reform Convention are to stimulate debate and public knowledge about land reform, to input to this and future land reform policy processes. The Convention is guided by four underlying principles, summarised for me by its Chair:

“The Convention takes its starting point several stages back...land reform is guided by various principles. The way we use and own land touches on the way that power is distributed in society and that is a matter of democracy; it touches on the way that people use that power over other people, so it’s a matter of social justice; it touches on how we as human beings treat the land, so it touches on matters of stewardship; it also touches on the question of where power ultimately lies in the country, so it is about sovereignty. So these are our four principles underlying the convention: Democracy, Social Justice, Stewardship and Sovereignty...in a sense the convention is saying that land reform is a point where all of these things have to be worked out...and *that’s* why land reform is important because it is symptomatic of these other processes in society” (Allison Elliot, Chair, Scottish Land Reform Convention).

The members of the national networks I have been describing as “more radical” all supported this Convention and its principles. In relation to the details of the proposals, they supported the proposal to give communities a right-to-buy. They felt was a “good thing” but many felt that this was not sufficient in to address the underlying “land-based barriers to sustainable development”. The point made over and over again was that the objective behind this proposal was “implicitly to increase the division of ownership, but nowhere does it say that it is being developed to actually redistribute the land ownership pattern”. Giving communities the right-to-buy would not help to break up large-scale concentrations of landownership; instead the government was “just replacing the big laird with the big NGO and now the big community trust”. In this respect it wasn’t going to benefit individuals who wanted access to land for small-scale private enterprises or simply for housing.

Others were even more sceptical. One person felt that the Labour administration had “latched onto the fashionable notion of community” as an “easy way out”. This was akin passing the buck, claiming to have addressed the problem by putting the “onus on communities to solve their own problems rather than on government to change the rules”. Members of the Conservative camp were also doubtful about the potential impact of the Bill. As the Head of the Rural Affairs Committee, Alex Johnstone had gone on many sorties to canvass rural communities who had bought land. He told me that their feedback was that “universally they thought that land reform was a great thing, but then proceeded to tell us why the current proposals were of no value to them whatsoever”, they also felt that if the proposed changes had actually been enacted when they bought land, it would not have made it any easier. They doubted that they would have been able to pre-register an interest with the backing of the

whole community and demonstrated that their ownership and development plans were feasible six months before the sale. In most cases it was the sale and the implications of a new, possibly absentee and possibly worse owner that had sparked community support for the concept of purchase.

Another problem raised was that the government was providing a solution that wasn't necessarily attractive to all. Not all communities are "dead keen to take on the ownership of vast tracts of land" (John Watt, Community Land Unit). Even if a large number of communities decided to buy land, another problem highlighted was the prohibitive cost and slow turnover of land in Scotland. The vast majority of national and local participants think land in Scotland is over-priced to begin with. The fact that the Isle of Eigg had been valued at £700,000 by the district valuer, but sold to the community for £1.5m was cited again and again:

"In real terms Scottish Land is vastly over-valued at the moment...essentially if it is measured in terms of what land is really worth in terms of land use, then land values are too high. The ownership of land by those who would be in a position to work that land, which is a classic definition I suppose, would be much closer to balance were land prices significantly lower than they are today".

Many in this group were enthusiastic about the prospect that the new right-to-buy might help take the land in Scotland out of the "millionaire playboy bracket". Lower market values for land in Scotland would help increase communities' or individuals' access to land ownership and its benefits. The public purse wasn't deep enough – nor was there justification for it to fund the level of buy-outs that would be needed to significantly alter the national pattern of ownership. On the other side of the debate, Lord Sanderson, the Chairman of the Clydesdale Bank reportedly "had a word" in parliamentary ears to indicate that the last thing they wanted to was anything during this land reform process that might undermine the value of land. This input was based on serious concerns that landowners who had used their land as collateral for bank loans – many to stay afloat during the UK farming crisis⁴⁸ – would suffer greatly if it did.

Finally, a "sociological" doubt about the community right-to-buy was also raised by three people at the national level. They felt strongly that the community right-to-buy would only work if a support network was put in place to "increase community capacity and confidence" in their rights and ability to own and manage land. Interestingly, these three had the most practical hands-on experience of

⁴⁸ The impacts of the farming crisis are outlined in Chapter 4, the Case Study of the Moray Estates.

community buy-outs and rural development. Likewise, this same point was made many times by local participants. Without dedicated support, volunteers from local communities would be over-worked and unpaid, and might “burn out” or move on, leaving a vacuum of “natural leaders and activists”. There was concern that initiatives could only be sustained if there was support for community groups to cover the period of time it takes to develop skills and experience, and to build profitable, self-sustaining social businesses on newly acquired land. This included building better and closer “networks” between government agencies and local authorities, funding community-lead support networks, and providing administrative support and seed-funding for development initiatives on newly bought land.

The idea of creating more mechanisms for local communities to increase their development and involvement opportunities was supported by everyone in the more radical camp. This concept was based on the perceived need to improve landowners’ socio-economic impacts. As mentioned above, the original proposals included a plan to draw up a code of practice for landowners. The final legislation includes a code of practice for land owners in relation to *public access* on their land. Commentators on both sides were sceptical about the success of the voluntary code (not cited in the regulation), which was developed by a group chaired by the Royal Institute of Chartered Surveyors (RICS) and included some mentions of improving *impacts on local communities*. A number of participants agreed with the suggestion that the final Act could include reference to an *enforceable* code of practice with penalties and incentives attached to regulate socio-economic impacts:

“It shouldn’t be beyond them to draw up strict codes governing landlords’ land management. It shouldn’t be not beyond the wit of man – never mind the Scottish Executive – to draw up a clear code of what is expected of land owners, one which will penalize with compulsory purchase if necessary for those who frustrate the natural and legal aspirations of communities and individuals living on the land” (David Ross, Land Reform Correspondent, The Herald).

In addition to supporting enforceable codes of practice and the option of introducing legislation to limit absentee or unaccountable ownership; participants suggested stronger compulsory purchase powers to deal with genuinely “bad land owners”; more stringent conditions that landowners demonstrate socio-economic benefits before receiving public grants for landowners; and more focus on building an inclusive decision-making culture at the local level.

Comments on the Role of the Civil Service

When this research was conducted it was very difficult to get access to the civil servants involved in the land reform process. Until Jim Wallace's office passed on my enquiry about how to include members of the civil service in my research; requests for interviews were declined on the basis that it would be inappropriate to discuss an active policy issue with a member of the public⁴⁹. Following my contact with Jim Wallace's office; Douglas Greig, who was at that point the Head of the Land Reform Policy Group, agreed to meet me to discuss the land reform proposals. To set our discussion in context, he explained at the outset that he couldn't comment on the suitability or the content of the proposals:

"We are civil servants here; so we are not swinging into the political debate here. What we have done is set out what ministers want to take forward; and they have reached the decision that they want some thing which is pragmatic and works (the crucial point), and which delivers the objectives that they want". (Douglas Greig, Head, Land Reform Policy Group).

With this proviso, our discussion focused on the process of consultation and the challenges associated with weighting the responses to the various documents issued by the Land Reform Policy Group inviting public comment. Douglas Greig acknowledged that it was very difficult to incorporate local communities' or "grass roots" views in a national consultation exercise. That there was pressure on the new Scottish Executive to improve its standards and methods of consultation was recognised inside and outside the civil service: "We have to go out and consult them, we are driven down that road, we might not want to be driven, but we have to down that road and we want to think of ways in which we can facilitate community and regional involvement" (Douglas Greig).

Alongside the Chairman of SNH and the Forestry Commission's Policy Developer (who had been involved in analysing responses to the Commission's public consultations on its Scottish Forestry Strategy); Douglas Greig was concerned that the Executive and other public agencies would have to find better ways of including local views in policy-making processes. He felt that Local Rural Partnerships offered a promising model for facilitating local involvement in national policy making. By building partnerships and consensus amongst stakeholders dealing with local issues; the

⁴⁹ See also Chapter 2, page 29.

Executive was supporting the development of fora which could effectively be used as a source of local input to national policy processes in the future.

The representatives of SNH, the Forestry Commission and the Executive all identified a further challenge to developing fully inclusive consultation processes. This challenge related to what was described by the representative from the Executive as a “talk down obligation with any proposal which has come from the centre, *even if* it had come up from the grass roots it would be turned around to go back out to consultation”. He then outlined that following 12 weeks’ consultation over the first stage proposals; in particularly complex policy areas, such as Land Reform, the Executive will have to use specialist expert panels, and legal advice “to try and refine and take forward the proposals”. Following several rounds of consultation and expert advice, the original proposals may not concisely reflect local community or grass roots interests. All three representatives of government agencies felt that this challenge was related to the inherently centralised nature of policy-making, and that it was compounded by a combination of short time-scales set for rounds of consultation, and the need to comply with EU legislation:

“It is very bureaucratic; and it smacks of big brother from Edinburgh coming down and telling you what you can and can’t do with your own land. That is something that is not good at the best of times; bearing in mind we have to do it extremely quickly to meet the current time scales. The Scottish Executive are also under a great deal of pressure to do this and they have looked at ways to do it more effectively, which is quite good, but consultation times are very short; and there is pressure in government that there should not be what are called infraction proceedings, that effectively the UK would be taken to court because it hasn’t implemented a European directive” (John Markland, Chair, SNH).

Many of the participants in this research provided views on the not just the role, but also the objectives of the civil service in this process. There was widespread understanding of the constraints on the Executive and other agencies to improve records of public consultation on the one hand and provide an outcome which accurately reflected the balance of views presented to them, within the framework set out by EU legislation. However, many members of land reform network felt that the process could still be improved; it was described as a “unilateral exchange of information whereby we have sent stuff into them, into some kind of black hole, and they send it back out for us to respond again...so I don’t think that whole kind of model is terribly satisfactory” (Andy Wightman). Not everyone had the time to travel to Edinburgh and review the boxes and boxes of responses for themselves; which meant that it was difficult for those who responded to the consultation process to see if their inputs had been given fair consideration.

However, when the Scottish Landowners' Federation performed its own analysis of the consultation responses, it concluded that the Executive of not taking full account of the consultation responses; which they felt supported the *status quo*. Many of those who were involved in the land reform debate, from *status quo* to radical reformers, also acknowledged that the Scottish Executive had tried to balance inputs by weighting its analysis of the consultation documents to account for all aspects of public opinion, regardless of how well-presented the inputs.

Others were less satisfied with the model of decision-making used to deliver land reform. There was a strong feeling amongst the more radical land reform network, that the task set for the Executive and the Land Reform Policy Group had been to find the least controversial solutions possible. For example, it was felt that the goal behind the initial consultation document "Identifying the Problems" was to try and harness land reform demands, corral them try and make them containable; administratively and financially achievable; whilst giving the new Scottish Parliament, a full year's worth of "Land Reform" they could deal with so that more radical demands simply wouldn't find time on the Parliamentary calendar".

Beyond this awareness of the practical and legal constraints under which the Executive were operating; 13 of the 20 national interviewees shared a strong view that the Land Reform Policy Group and other civil servants involved in the process had a "clear political agenda" of their own. The civil service members of the Land Reform Policy Group were frequently described as "establishment figures" who were "well connected with the traditional networks of power and influence which prevailed whilst land reform was kept off the agenda under Tory rule from Westminster" (David Ross, Land Reform Correspondent). As a result, there was a keen perception amongst the members of the land reform lobby that "there is no committed – as it were – land reformer on the Executive".

The make up of the Land Reform Policy Group was also frequently criticised by well over half of the interviewees during the national level research. Many people felt that this group did not include people with the necessary skills or experience to handle land reform. It was generally felt amongst this group of interviewees that the Land Reform Policy Group was "hugely dominated by civil servants from the old Scot Office, apart from the Forestry Commission and Murray Elder, Donald Dewar's special adviser, the group was made up of 10 civil servants. I'm not entirely sure who was responsible for leaving something like this to the civil service" (David Ross, land Reform

Correspondent). The initial leadership of this group by Isabelle Lowe was questioned by several interviewees. She was widely regarded as a “career civil servant” who did not “know a horse from a tractor, so to speak, was brought in as a deliverer. She obviously knew nothing about the topic. She had just finished doing the White paper on Devolution; before that she delivered on Urban Regeneration. She worked to a formula, it became a civil service process; and her role was to be efficient and effective at delivering on schedule”.

Finally, there was a general consensus that the Land Reform Policy Group had had the last and final word when it came to setting the early agenda for the policy process. The issues presented to the public for consultation had “been pushed forward onto the agenda by those who perhaps have more knowledge of what’s going on” (Maurice Hankey, SLF). Alternatives such as limiting the size of landholding and limiting foreign ownership or making residency obligatory had been ruled out because “I think at the moment at least we have an executive that is appropriately positioned slightly nearer the centre than some on the political perspective and who, first of all, would find it difficult to propose some of the more radical solutions, but rather more fundamentally probably believes it wouldn’t the political support to go for some of the more radical solutions” (Alex Johnstone, MSP).

Some commentators felt that the Land Reform Policy Group was too difficult to contact or influence. The group was criticised for “closing down dialogue” with outsiders. Others felt that without the “strength of personal commitment” shown by John Bryden the Land Reform Policy Groups’ specialist advisor, John Bryden and John Sewel, the Chairman of the Group, the civil service would have “watered down” the proposals and aligned them more closely with the landed lobby’s interests.

The problem of ensuring that Civil servants were politically neutral in the process was acknowledged by one senior government representative who commented that “civil servants are not immune from pressures and influences contained within the media; or from expert sources, lobbying or just personal recommendations” (Richard Broadhurst, Forestry Commission). This might make it harder for government to ensure that the final outcome of the policy making process is objective and is representative of wider public opinion.

The Final Analysis

In the final analysis, there was universal agreement amongst the national and local network members that the proposed bill was not going to “set the world on fire”. It was definitely not

going to have a massive impact on the complex and thorny issue of altering the pattern of land ownership to achieve more equitable land-based sustainable development in rural areas:

“Well it says something about the craving for consensus, and it is interesting...they claim simultaneously that this is consensual and it’s radical. Well, these in my view, are two mutually exclusive concepts. You can have something that everybody agrees to and you can have something that is radical, but they will never be the same thing; because clearly (and I am sure that the same could be said about most other policy areas) but certainly in this area, if you are going to do something radical there are going to be people to be people who are going to be really hurt by that, the beneficiaries of the current dispensation...if you are only going to do what they will sign up to, it won’t be radical – by definition” (James Hunter, Historian).

No member of the national or local networks said they thought the proposals were “radical”. Some commentators thought the Labour Party had never intended to do much more than introduce legislation that was guaranteed to be popular because it would address the worst excesses of private ownership highlighted in the press – without tackling the “real, underlying issues” (David Ross, Land Reform Correspondent, The Herald). The Labour Party manifesto for the Scottish Parliamentary elections certainly indicated that their agenda was to promote community ownership “inspired by the cases in Eigg and Assynt”⁵⁰. Whilst many people were encouraged to see the issue on the policy agenda, the most common comment on the final proposals was that they weren’t going to deliver “*real* land reform”:

“What they call their package of Land Reform, and yet, and this goes back to the analysis at its heart, if Land Reform is about redistributing land and redistributing power over land, it’s going to do very little to do that because their main thrust, their main argument is: let’s have a voluntary code of practice for land owners and if that doesn’t work, then the community can buy it and that’s the sum total” (Andy Wightman, Specialist Adviser, Scottish Land Reform Convention).

The original proposals were seen by the landed lobby as “extremely radical” to the point of being “extremely naïve”. As they stood in 2001, the landed lobby was “less scared” by the proposals. They were by no means delighted, but they had stopped referring to Stalin and Mugabe quite so often. The more radical land reform supporters were pretty disappointed if not “totally disillusioned”. The Land Reform Policy Group and Parliament were handed a difficult task, which one participant felt they had approached as if it were “a minefield clearance exercise, rather than something else more meaningful”. Others felt that the Policy Group’s consultation exercise was a genuine attempt to ask

⁵⁰ Labour Party Manifesto, 1997.

for assistance and involve the wider public in setting the agenda for land reform. This group put the concessions made in the final draft down to apparent constraints under EUCHR and fears that the government might be overwhelmed by an avalanche of compensation bills. One member pointed out that in view of the “inertia” of the previous administration and the “legal knots” put in place by years of landed influence in Westminster, the Parliament had achieved as much as they could. This view was reflected in the head of the Policy Group’s answer to the question of whether the draft bill was radical or not, and sums up how the process of public consultation influenced the outcome:

“A lot of radical proposals simply are not going to work, they have not been thought through, they are presented very quickly and glibly...as if they are straightforward. But when you get down to the detail...they have got extremely large hurdles to overcome. Not least of which might be, in some instances, the EU convention of human rights, but there are other problems to overcome in converting them from just a simple statement of radical action to legislation – and that is what we are really about here. What we have done is a mixture of legislative proposals; executive action and non-executive action to take things forward on a wide front....we are along the road to giving communities certain rights, in that sense that is **quite radical**, because it is changing the nature of ownership and the nature of ability to move on an asset or sell an asset” (Douglas Greig, Head, Land Reform Policy Group).

The national networks identified a very broad range of “land based barriers to sustainable rural development” beyond what we could sensibly expect the land reform Bill to tackle. These included the entire planning system and policies on agriculture (Common Agricultural Policy), forestry, transport and infrastructure investment, and energy. Building local community capacity & networks, and the role of public agencies like Scottish Natural Heritage and the Forestry Commission in regulating land use at the local level were also cited. The next four chapters contain four case studies looking at the land-based barriers to sustainable development from the perspective of members of local communities. Each community lives on land owned by one of the four major categories of land owner in Scotland: community, state, private and conservation NGO. These studies look at how national policies regulating land use and ownership are implemented locally. They identify opportunities for local communities to get involved in local decision-making and policy implementation that affects their livelihoods. What are the practical issues they deal with on a daily basis? How easy is it to access and influence local decision making; and what did they think of the land reform proposals?

CHAPTER 4: Case Study 1

Local Participation and Community Development Opportunities on the Earl of Moray and Lord Doune's Moray Estate.

Introduction¹

Over three quarters of the landmass of Scotland is privately owned, and the Moray Estates Development Company is amongst the 66 largest land owners who hold a quarter of Scotland between them. These land owners have a big impact on the natural environment; the diversity of land uses; and the distribution of benefits from land management in Scotland. Many private land owners were very vocal with their opinions about the proposed land reform package. Yet they adopted a policy of lying low when it came to giving access to objective information to inform public debate on what was for most of them, a touchy subject. This explains the reticence I came across when asking for permission to do a case study on land reform and community development on privately owned land.

In this climate, I am extremely grateful to the Moray Estates for giving me permission to study their land management and relations with local people living on their estate. Because they agreed to “stick their head above the parapet”, they have provided a useful and relatively rare insight into private land ownership. The study offers an opportunity to explore the real impacts of a large private land owner on land use diversity; local development opportunities; their interactions with local resident communities and the levels of access local residents have to decision-making. It looks at on-the-ground realities and tests the mettle behind the rhetoric on private land owners.

¹ Given the concerns about representation and use of information raised by the Estate it is very important to note that this case study was conducted during a time of transition in the management of the Moray Estates. This study represents a different set of network relations and land management practices to those now in place. It is also worth noting that many of those took part in this study were anticipating significant changes once the new management was up and running. Without exception the changeover in management was welcomed by local people.

The Land

The Moray Estates extend to 38,000 acres², including 11,500 acres of woodland and 10,000 acres of “in-hand” farmland. “In-hand” refers to land farmed by the Moray Estates Development Company and not let to farmers. When it was gifted to the first Earl, the landholdings of the Earl of Moray were much larger, prompting Mary Queen of Scots’ future husband, Henry Stewart, Lord Darnley to comment that they were “too much”³. At this time the title to the province of Moray stretched as far as Loch Ness in the west. The Doune and Callander Estate was also much larger – extending to landholdings in the neighbouring Fife district. Over time land has been sold off and the Estates consolidated, freeing up land for development and diversifying land ownership. Including, for example, the sale of Donibristle Estate to developers to build a new town in the 1960s – the modern development at Dalgety Bay was built on this land.

The Moray Estates Development Company manages both the estates of Moray in Inverness-shire and Morayshire districts and Doune & Milton of Callender in the Perthshire district. The estate in Perthshire extends to 12,900 acres, with 25,100 acres in Morayshire. This case study focuses specifically on the Moray part of the estate. Within the time and resources available it was not feasible to interview residents, district councils and state agencies on both estates. Focusing the study on the Morayshire portion of the estate also meant the size of land holding and number of residents was more compatible with the other locations selected for this research.

In Morayshire and Inverness-shire the land holdings extend from Dalcross Airport in the west and as far as the town of Elgin to the East; from the Moray coast the estate extends as far south as the Dava Moor. A large part of this moor is owned by the estate, the estate also holds sporting rights, which bring in some financial return. The land is also very valuable for its bio-diversity. The estate grants permission to researchers to study various aspects of this special moorland ecosystem. The estate also includes large areas of ancient, well-managed natural and plantation woodland, and large blocks of good quality arable agricultural land. They let land and properties for industrial and commercial purposes. A sparse network of winding, single track roads link small and relatively scattered settlements. Almost all of the housing on the estate is made up of old grey stone farm houses and smaller bothies or cottages originally built to provide accommodation for employees on the sporting side of the estate. There are very few new houses and no new settlements on the land.

² This acreage was given to me by the Estates Manager in 2001. In 1997 Wightman listed the estate at 45,600 acres (Wightman, 1997).

³ <http://www.lordbothwell.co.uk/marymarriage.html>, <http://www.marie-stuart.co.uk/husbands.htm>

The estate land is very valuable in terms of returns from sporting interests, agriculture and forestry, which are managed directly by the estate and from farming. It also makes money from commercial and industrial letting. In addition to its relatively high financial value, this land is a example of one of Scotland's quietest areas of natural beauty. As you drive over the wild upland heather moor, through ancient forests and emerald farmland up to the Moray coast – the realisation that all the value inherent in this land is owned and maintained by one family is overwhelming. Its value and fairytale appearance is also the result of the careful and sustainable management over the last four centuries by the Stuart family.

The Land Owners: The Earl of Moray and Lord Doune

Whilst not all private owners of large estates are members of the British aristocracy, this estate does provide a fairly representative example of the profile of private Scottish land owners who make an income from farming, forestry, sporting and property letting and development.

As the registered owner of the land, the Moray Estates Development Company is the most powerful stakeholder in local land-use decision-making processes. The Development Company is a land holding and management entity for the Stuart family, the primary beneficiary of this landholding. The head of the family is Douglas John Moray Stuart, Baron Stuart of Castle Stuart and 20th Earl of Moray. He is married to Lady Malvina Dorothea Murray, Countess of Moray, and the eldest daughter of the 7th Earl of Mansfield and Mansfield. They have two children. Their son, Lord Doune is the heir to the title and land. In 1562 the first Earl of Moray was officially “legitimated” as the natural son of Henry V. He was granted the title to the name and lands of Moray by his half-sister, Mary Queen of Scots. Although the gift was seen at the time as an attempt to buy his allegiance, he played a key role in his half-sister's abdication, following which he was appointed Scottish Regent. As Regent, he ruled Scotland until he was assassinated in 1569. He was succeeded by his eldest daughter, whose marriage to the 2nd Lord Doune prevented the extinction of the earldom and brought the title and lands of the Doune of Milton and Callender Estate into its possession. In 1776 the 9th Earl of Moray was made a peer of Great Britain, taking a seat in the House of Lords, under the title Baron Stuart of Castle Stuart⁴.

The Development Company is managed by a board chaired by Lord Moray. Lady Moray, Lord Doune, the Estate Factor and Simon Leslie all sit on the board. Simon Leslie represents the firm

⁴ Historical information on the Moray family drawn from Burkes Peerage, and provided by the Moray Estates Development Company.

of Gillespie and MacAndrew, the Company Secretaries and Colin Young, a partner at Ernst and Young is the Board's tax adviser. Initially registered as a company limited by decree in 1923, the firm was taken off the register at Companies House in 1978. From this point it became a private, unlimited company, and was therefore no longer required to file public accounts. It is currently listed as a Company Registered in Scotland⁵. Publicly available information is accessible through the Scottish Executive Environment and Rural Affairs Department (SEERAD), the Forestry Commission, and Scottish Natural Heritage. Each of these government departments and agencies are legally obliged to provide information on payments of public subsidies, but SEERAD would not provide information about their subsidy.

The Moray Estates are managed by two departments, the farming department and the estates department. At this time, the estate was managed by a factor under the direction of Lord Moray. The Estates Manager, Duncan McConnell handled all property letting, design work and maintenance. The new factor, Andrew Howard was working hard to learn from the outgoing factor, Mike Chapman. Of the eight kinds of land use I used as criteria to select case studies, this estate does everything except alternative energy production and crofting. The chief sources of income come from fishing, shooting and hunting, traditional farming, organic farming; tourism/recreation; and leasing land and property to tenants. The estate includes areas of land designated for conservation protection by the EU; it receives CAP subsidies; and has the highest number of tenants renting land or housing of all the estates I studied. The primary objective for land management on this estate is commercial.

There are 100 let houses and 22 tied houses on the Estate. Some local people I met did not feel that there was a recognisable "community" living on the estate. Longer term tenants felt they were part of a loose knit community defined by their relationship to the Estate as a land owner, and the small area where they lived. Some discussions were coloured by a strong sense of hierarchy in the social relations on the Estate. Newer residents didn't feel the same way. Their description of their local community covered a wider geographical area. This was shaped by employment, children's schools and friends; or by shared interests which brought them into contact with the Findhorn Community Foundation, members of the Morayshire Local Exchange Trade System (LETS) or environmental and conservation clubs. Despite the different definitions of which community they belonged to, newcomers and old-timers all seemed to have a good knowledge of who was who, where they lived, what they thought, and what they did for a living. The biggest problems people raised were related to housing, employment and agriculture; there

⁵ No. SC012762.

were also nascent interests in having some input to decision-making about the Estate's forestry and conservation activities. The following sections focus on these issues.

Farming

Farming is a very important source of income for the Estate. Up until the 1970s the estate was still a very big employer. As many as 60 to 70 people were directly employed by the estate up to the early '80s. In the past the estate "had a very different social structure, which was common to many estate farms. The Estates Farms had a dual role, designed to make money and be prestige farming enterprises *and* a source of employment" (Incoming Factor). Since then the number employed by the estate has fallen dramatically. This process of rationalising the farming side of the business was driven by the need to "face economic reality" which led to "lots of redundancies in the Scottish farming industry, as huge loss making farming enterprises had to be restructured to reflect the modern realities of farming" (Incoming Factor).

In common with most large farming ventures in the UK, the estate's farming business had been through major restructuring in the last decade. They used to have dairy farms which supplied a large milk retailing and processing operation. They also produced seed potatoes. The dairy was closed down, and seed potato production was let out to external contractors. These changes were based on the estate's evaluation of the agricultural market and its own ability to compete as prices continued to fall. Due to their location, they had the added disadvantage of high transport costs:

"We had to move away from farming practices that relied on intensive management and high labour, therefore we restructured to have a more risk free environment, bringing in more intensive farming, but with less labour, and less capital outlay. The changes created a more simple, more robust farming system, which reduces the ability to make a bumper profit in a good year but also reduces the ability to make a bumper loss in a bad year" (Incoming Factor).

This reflects the broader trend towards large-scale specialist farming in the UK farming industry. It is safer to keep fixed costs as low as possible by focusing expertise and minimising the range of equipment needed to produce a single product. Once labour and operating costs have been cut, the fixed costs to production ratio can be improved by increasing an individual farm's area of production. Bigger farms with less diverse production are more economically viable. This economic rationale has shaped many farms' policies. It has been adopted by the Moray Estates with a good deal of success. At this time the farming industry was caught in a downward spiral to dire straits. Deloitte and Touche calculated that farmers would make an average loss in 2001 of

£4,000 per year – the worst figures since the depression in the 1930s⁶. In 2001 the Moray Estates' were one of the few UK farming businesses still turning a profit. The knock-on effect of these changes has been a dramatic reduction in employment and in the number of smaller tenant farmers – a pattern repeated across Scotland. This has been caused by the imperative to reduce operating costs on the one hand, and to maximise production areas on the other. Increased demand for farm land has led the Estate to take "8 to 12 farms back in hand in the last 10 years". This trend is set to continue, as the estate is keen to increase the size of its in-hand farm land. The estate felt that whilst this situation was the inevitable result of market trends, it was more strongly influenced by government policy – namely the subsidy system.

The factor stated that the single most important influence on their farming policy was the CAP (EU Common Agricultural Policy) which dictates the level and type of subsidies farmers receive from the UK government. The factor told me that whilst they do not "publicly campaign for subsidies to continue", the Estate receives one of the largest subsidies in the country:

"...on a year on year basis ours would be one of the most significant receipts. This is a matter of concern for the estate, if your research were to put in a figure, and anybody can work that out, however we would be very concerned about somebody not having to go to the effort of working it out. Subsidies are a fact of life nobody is going to make a decision that it is morally wrong to take it. Our main concern is that we wouldn't want people reacting by saying: 'God look at the money pouring into that place', when a lack of knowledge or interpretation by individuals out there could spark the false impression of Fat Cat Land Owners receiving huge amounts of public subsidy".

I was not able to find out from the Scottish Executive how much the Moray Estates received in subsidies. I first tried before the Freedom of Information Act was introduced and again in 2004 and 2005. The Executive informed me that they could not release this information. The general attitude of everyone who discussed the CAP was that it is, in one farmer's words: a "bloody silly system". A key problem brought up by local farmers was the lack of clarity about the EU's agricultural policy agenda. There was a concern amongst the farming community in this area that conventional farmers have been "demonised" to the point "where it is possible that policy makers could conclude that one solution could be to give up on the idea of agricultural production in Western Europe, and if that is the case, they should tell us."

⁶ Chapman, 2001.

Agricultural Tenancy

The estate has a variety of agricultural tenure arrangements. There are still some long-term agricultural “sitting tenants” (who can pass the tenancy from generation to generation), but more recent tenancies are let for a much shorter term on a 10 to 20 year partnership lease. The remainder of the agricultural land which is not farmed in-hand by the estate is managed on the estate’s behalf by contract farmers who have no tenancy agreements. One of the farmers, who gave up his 10-year agricultural tenancy a few years ago, saw it as a part of a negative pattern of smaller tenant farmers “getting pushed out of farming” all over the UK. A combination of factors led him to give up the tenancy. When I met him he was unemployed. He had wound down a farming related venture due to lack of demand. He also put this down to the general depression in agriculture – which he felt was much worse for small farmers and crofters. Local people felt that longer, more secure tenancies would improve smaller farmers’ chances of staying in business. However, following the BSE crisis, when the government introduced new subsidies, the estate began to set rent based on the subsidy received and not on market income. People indicated that a fairer system would be to link rents to market prices, which would mean that the rent would decrease if markets were depressed. There was criticism of the subsidy and the rental systems, as well as of the short-term tenancy agreements:

“All in all, this type of short-term renting is just not on, and I wouldn’t advise anyone to go into a partnership agreement unless they had a farm they could drop back into, a family farm or a farm on a *genuine* tenancy - a three generation thing, as opposed to what they are doing nowadays. The main reason I had to give up the farm would be the fact that there was a lack of income in agriculture full stop, the rent was high and there was no way of getting that rent down...Here, because the estate were farming themselves, if things *were* improving you could see that the tenancy would be ended at the end of year 10 so they could take it back in-hand. So there was just no incentive, no incentive at all” (Ex-Tenant Farmer).

There was a common feeling on the estate that tenant farmers or crofters are automatically more vulnerable to depressions in the market, and this is made worse by large estates’ policy of taking farms back in hand. It was not in the large estates’ interests to continue to have long-term farming tenancies; therefore they were unlikely to provide incentives for small farmers to stay. This was confirmed by the estate factor. He also indicated that the estate took a proactive role in encouraging tenant farmers to give up their farms:

“There were tenant farmers who couldn’t carry on or didn’t want to carry on, or they went with financial assistance to help them make the decision. The smaller family farms or, and I say this cautiously, the less progressive family firms finally succumbed to the trends” (Estate Manager).

In addition to this, large estates are better equipped to manage during market crises, because they, unlike smaller farmers, can raise funds by releasing equity from their land asset base to tide them over. I did come across resentment towards the estate, reflected in one interviewee's observation that "there was no love lost" (Resident) between the estate and some of its current or former tenant farmers. However, others had no axe to grind. Although the estate's rationalisation of its farming activities had had a profound and negative effect on his own livelihood, one former farm-hand still living on the estate simply saw his circumstances and those of others like him as an inevitable result of the general climate in farming. He was made redundant and had to start paying the rent for the tied house he had lived in for 15 years. He now works seasonally and claims unemployment & housing benefit for three or four months of every year.

"Farmin's gang doon hill, *their's* (the estate's) obviously isn't, it's getting bigger. Most farmers, the like the sorts of my Dad, they're struggling like, most farmers are coming out of it because they can't afford to stay but they (the estate) have obviously been making a job o' it. But, they've closed an awful lot, they used to have a dairy, and there was the tatties, they used to have Lorries, and that's all gone. But I think they are planning on buying more land for farming....so they must be making some money if they can afford that" (Former Employee).

He stated that if he had any money he could buy up land himself, so he didn't have any problem at all with the estate doing the same. He did, however, acknowledge that the Stuarts had a competitive advantage:

"Not that they had to buy any of it, it was all handed down, really. But, with farming you've either got to be in it in a really big way, or not at all" (Former Employee).

The estate had been a very good employer. The greatest advantage for one ex-employee was that the Estate had been more than generous with their redundancy pay-out. It "was a lot higher than average, it worked out on double entitlement on what you would normally be allowed to have". This reflected the Estate Manager's and the Factor's genuine concerns about the impact of these redundancies. I came across distressing examples of high levels of stress and depression caused by the downturn in rural employment opportunities, and problems with agricultural tenancies. Another big concern locally was that as more farms were being consolidated into large, intensive units, there was a corresponding rise in the average age of traditional small tenant farmers and crofters. There was a strong feeling that the "government continued to ignore the needs and situation of smaller farmers in favour of large ones". Some participants felt that it was extremely important to get "young blood back into farming" if viable rural communities were going to continue (Forestry Commission Employee). Everyone in all case study areas felt that there was

not enough employment to hold younger people in rural communities, and the loss of agricultural employment was a big worry for local people here. As one participant put it:

“....it might be better *if* the jobs were there, the alternative jobs...but they’re not, and as far as farmers are concerned, what do they *do* if they have to leave farming? What are they *qualified* to do? It’s even more prevalent up in the North or up in the West Coast, Where father follows son, leaves school at 16 with no qualifications to fall back on, there’s just nothing, nothing at all” (Ex-tenant farmer).

The estate was running an extremely efficient enterprise. It had survived, and even made a profit under very difficult circumstances by rationalising its farming enterprise and taking smaller farms back in-hand. The knock on effects on local employment and smaller farms and tenant farmers were negative. This reflects how the role of large farming estates has changed over time – from large employers to more economic and less labour-intensive enterprises. Many people felt that government subsidies seemed to support large-scale commercial goals, with a negative impact on rural employment opportunities.

Organic Farming

The stories were not all doom and gloom. The organic Farmer I interviewed had his own large family farm, rented a farm on a sitting tenancy from the estate and farmed another of the estate’s units as a contract farmer. He described his relationship with the estate as “excellent”. His own farm and the tenanted farm are both produce organic crops and he ran a very successful organic importing and packaging firm. He shared the common view that traditional agricultural tenancies, which can be handed down from generation to generation are more attractive than short-term tenancies:

“Well, we have a traditional Agricultural tenancy, we are a sitting tenant, they couldn’t get rid of us easily, if they wanted to, and you would have to think long and hard about giving up that kind of tenancy, because, unless you believed that it was totally unprofitable, then you are giving up something that you actually can’t get any more, nobody gets that sort of tenancy anymore” (Farmer).

Organic farming seemed to offer possible solutions to the negative impact of modern farming. This farmer ran what was at this time the largest distributor of organic produce in the UK. He grows organic crops and imports organic vegetables from all over the EU and Israel, which are packaged for distribution from a factory based in Elgin. He had two motives for converting to organic production. 1) it’s profitable, and 2) it has a good ethos behind it. It is also much more labour intensive. He estimated that if he were to return to conventional farming practices his

labour requirements would drop from 50 full time workers, and an additional 50 seasonal workers to “one full time man and half a manager and two students for the harvest”. The “higher level” full-time jobs were not difficult to fill. He did confess to extreme difficulties in getting staff for the summer harvest and weeding. He also stated that they had to offer very competitive rates:

“We have to compete with the latest sexy buzz word, in this area: call centres, so there we are, we are an agricultural business, we actually have to outbid call centres, to get our people, yet nobody gives an ounce of notice, we have had zilch enterprise subsidy to create what we are doing” (Farmer).

Whenever they came up in conversations, very strong criticism was levelled at MBSE, the Local Enterprise Company, and by association, its parent agency, HIE (Highlands and Islands Enterprise Company). There were questions about their policy on supporting organic farming. Three staff had time officially allocated to stimulating more organic development, but I was told “they primarily do this by way of creating a lot of hot air...they do very little in terms of actual real help”. It was felt that they focused their efforts on small scale organic production for sale locally via box-schemes. This support was very valuable and necessary; but they had a policy of not supporting large-scale enterprises. In HIE’s analysis the Highlands & Islands’ remote location and poor transport infrastructure makes primary commodity food production unviable. Instead they focus on stimulating companies that are “adding so much value to what they are doing by way of a manufacturing process that the location doesn’t matter”. During his most recent meeting with them, the Organic farmer I met said they had expressed grave doubts over the sustainability of his business, fearing he would be “out competed” by “bigger and better English operations down south.” Five years later, this business is still going strong.

The Scottish Executive’s Environment and Rural Affairs Department (SEERAD) does provide support for conversion to organic farming. The only criticism of this scheme was for its “unnecessarily bureaucratic and Byzantine” application process. The timing of the scheme was also problematic. To be certified as an organic food producer, land must be left for two years to clear residual fertilizers and pesticides. The executive only awards compensation for farmers once these two years are up “which, for someone on a tight cash flow, would obviously be a problem”. There is only a three month window when they can apply for compensation for any income lost while they waited for organic certification. During the first year of the scheme, the Executive mistakenly advised people they could not backdate applications. As a result they

received a flood of applications on the deadline date⁷. This put a massive burden on their inspectors and administrators on a single day. One farmer had raised these concerns with the Executive as a Director of SOPA (Scottish Organic Producers Association). He was doubtful it would have an impact:

“SEERAD are...under funded, under staffed and whenever you speak to their people, they inevitably don’t really have time to consider what you are going to say, or if they do, they are not that interested because they know perfectly well that they can’t do anything about it”.

He also felt that there was no opportunity or specific consultation processes for “the ordinary farmer” to influence this or other SEERAD schemes. Like other farmers I met, he was highly doubtful that the NFU (National Farmer’s Union) could or would even try to influence the Executive on this type of issue, or to represent smaller farmers’ interests.

The Moray Estates’ stated they would convert more of their in-hand farms to organics if they could see a clear economic advantage in doing so, but in the current climate they are “nervous of the long-term viability of organics, it’s a business proposition and (they) have got to be sure that it is the right thing to do”. The estate was very supportive of organic farming on its tenanted land; they felt that these farmers were not just “dogmatic advocates of organic farming” because their motivation was primarily economic. The factor felt that conventional farming practices are given too negative a press which promotes a misleading “good image – bad image dichotomy” between conventional and organic farming. The Moray Estates’ environmental impacts from farming are carefully managed. It qualifies for the Countryside Premium Scheme which funds them to allocate land for wetland protection. Through this scheme and other conservation measures on the land they offset the impact of their intensive cereal production with environmental benefits elsewhere. Their policy is to use the best quality agricultural land to its greatest potential to help them prepare for cuts or the disappearance of subsidies in the future.

Markets

Almost everyone I spoke with stressed the role that market influences had on the agricultural sector. This was the same for organic and conventional production. At this time the Estate was concerned about the market for cereals. They sold grains to Scottish Whisky maltsters. As cheaper imports began arriving from Germany, this market was no longer an option. The Estate had found an alternative market selling grain for animal feed in England, but they explained that

⁷ The annual deadline is 31 October.

even a business as large as the Moray Estates Development Company is at the mercy of the markets. This was something they felt would be improved if Scottish farmers were able to form large producers' co-ops.

Supermarkets were singled out as having a negative impact as they monopolised the markets to keep prices down. An enormous challenge for organic producers is that it costs more to produce organics. Supermarkets have responded to consumer pressure to bring prices in line with conventional produce by taking a cut in their own profits, and by pressurising suppliers and packers to reduce their prices. The high cost of organic production is a continual problem for organic producers. The Chair of the Scottish Organic Producers' Association felt there was a strong argument for adapting the subsidy system to promote more organic production. Conventional food production enjoys high levels of public subsidy, and carries social and environmental "hidden costs". These costs are picked up by the state or have a negative impact on the public. The "very big, very efficient, and very industrialised techniques" provide conventional produce at a lower consumer price. The subsidy system does not account for abatement costs. Hidden costs include cleaning up waterways and water supplies; loss of biodiversity through use of pesticides and fertilisers; loss of the potential health benefits of increasing organic food consumption⁸; and animal welfare abuses, etc. Another obvious argument for supporting organic production is that it creates more rural employment.

Housing

The Moray Estates Development Company owns roughly 120 hundred houses, three castles, and industrial buildings. It lets private homes, commercial properties, including a caravan site, the Scottish Antiques centre and other large industrial buildings. There were three different categories of housing tenants. There were tenants living in "tied" housing, who worked for the estate and were provided with free housing as part of their employment package. Tied housing was decreasing steadily in line with the reduction in people employed by the estate. When I did this research the estate was letting over a hundred homes on short assured tenancies (1 or 2 year leases that can be terminated with a month's notice by tenant or owner). Residents on short assured tenancies paid their own rent or used housing benefits from the Department of Social Services (DSS). Tenants on housing benefit found that the estate was "flexible and happy" to "take the DSS". This was contrasted with other local Estates, which meant that the Moray Estates were providing a good source of socially affordable housing. The estate was also

⁸ An example of this type of health cost is higher human resistance to medication caused by high levels of medication used to prevent disease amongst livestock in intensive farming.

“experimenting” with a new form of partnership tenancy. Partnership tenants pay peppercorn rents on long-term lets (10 to 14 years). In return the tenants carry out and meet the cost of substantially renovating the properties themselves.

When I visited the Estates, the letting business was on the verge of outstripping agricultural income. This was because “agricultural rents have been static for so many years that they are a bit of a joke now” (Estate Manager). Everyone who rented their house from the Estate said that they would like to buy their house or a house on the estate. Only three residents out of ten said that not being able to afford a house on the estate would be a barrier to buying. The rest were “resigned” to the fact that the estate would not sell houses on their land. This was given as the biggest barrier to buying a house there, and confirmed by the estate manager:

“We do from time to time get house tenants who say: oh, we’d like to buy this house, you know, expressed in that way, sort of a *longing* rather than a specific request, and very, very rarely would we ever contemplate that, because obviously it is far better to save a vacant possession” (Estate Manager).

Everyone was very happy with their rental rate. They were “reasonable”, “pretty good” and “fair”. People were less satisfied with the standard of housing and the estate’s maintenance record. The process of taking farms back in hand meant that the housing rental stock was increasing. The estate manager explained that a lot of the tied houses came back in a “shocking state of disrepair”. They were therefore focusing a lot of time and energy on improving all the housing stock. Complaints from residents about their own, and neighbour’s houses were frequent. People were variously appalled by their own or neighbour’s accounts of leaky roofs, mould and damp, no central heating, heating run from open fires, sole access to bathrooms from the kitchen, asbestos roofing, poor décor, and lack of insulation. One tenant commented that her home wasn’t “like a home, it’s more like an ice house”. Tenants who had a leaking asbestos roof in the porch (where food was stored and laundry done) were “frightened about the asbestos, because we think it’s a harmful substance”. They had repeatedly asked the Estate to fix this roof and remove the asbestos, but they felt that it wasn’t going to be fixed quickly: “not in this lifetime, it will *never* get done! Oh dear!”

Tenants were aware the estate was putting energy and money into upgrading the housing stock, but they were ambivalent about it. They would welcome repairs and improvements to their cottages, but were reluctant to “push too hard for improvements” or non-essential repairs because the estate would then increase their rent. There was a common feeling that the rental rates were upped too much by comparison to the standard of improvements. There was resentment amongst

longer-term tenants who felt the estate prioritised improving houses for “new people coming in with more money to pay”, whilst longer-standing tenants continued to live in substandard housing.

Both the partnership tenants felt their arrangement was ideal. It meant they could live in a house that they could not afford in normal circumstances. They could also renovate and refurbish the house exactly as they pleased. The estate was also very happy with these arrangements, which they saw as a “useful tool for bringing houses back into use because of the costs involved. While we may not want to sell, this is a way we can bring the property back into use, and at the end of the long lease the tenant will depart and the house will come back to us, or they will continue to lease at market value”. The only reservations the partnership tenants had were linked to the question of what would happen when they reached the end of their term. They were uncertain if they could automatically continue renting, and/or if the rent would go up to market value – in line with the investment they had made in the house.

One couple had invested a staggering amount of money and back-breaking work to bring a row of 18th Century fisherman’s bothies back into use. They were “derelict, unliveable, and *unsquatable*” when they arrived. Now the couple rented out two of the cottages as holiday lets. The third they had converted into a beautiful family home. The only real problem they had with the partnership agreement was that they were liable for VAT on their holiday letting business because they were tenants and not owners. For the same reason, they had not been eligible for any grants to support their work to restore the listed buildings. Overall, they saw this partnership tenancy agreement as a positive example of how large estates could help improve opportunities for rural development and livelihoods. The estate had recovered a valuable part of its built heritage, and they had an income and a home:

“So, in a sense it’s felt very much like **we are part of this land reform**, the Estate took a big risk, but they increased their asset base. They had basically kept it wind tight and rain proof. That’s what the policy was, so in a sense it’s felt very much like we are part of this land reform, the Estate took a big risk, we are not the first, by any means. Certainly, it matters to us to be able to say: yes, this is what *we did* and we lived in a bit of paradise” (Partnership Tenant).

Housing security was a very important issue raised by tenants. The estate could not be described as a universally popular landlord, but relations with tenants were generally fine. I did come across one fairly problematic relationship. One family said that their dealings with the estate had left them feeling “victimised and harassed”, which led to high stress and insecurity about their home. Communications had broken down to the point where they had asked a relative’s husband,

“a policeman training to be a lawyer”, to write an official letter to the estate outlining their legal rights and the estate’s responsibilities. The letter was copied to Lord Moray marked “private” so he would have *had* to open it himself”. They were sure he wouldn’t know how they were being treated otherwise. Lord Moray did not respond. The fracas seemed to centre on the question of whether the family had insurance for their car or not, and the behaviour of their dog (it twice got loose and once got the gamekeeper’s mother’s dog pregnant). The family told me “they threatened us with our house and everything; they threatened to put us out of the house”. The matter was settled when the family produced copies of their car insurance for the estate to verify and got rid of their dog. They were asked but refused to pay for an operation to terminate the unwanted pregnancy.

There was very strong feeling amongst residents that short assured tenancies were not ideal. They all stated they would have liked longer and more secure tenancies, in recognition of the fact they were long-term tenants who had invested (whether they were partnership tenants or not) a good deal in their houses. Another issue was the seasonal nature of a lot of rural employment. This meant that some tenants had to switch from paying their own rent to paying from housing benefits. Sometimes there was a waiting period before housing benefits are made available. One tenant explained that short assured tenancies meant the estate could evict a tenant for non-payment after one month, even “if they know the council will eventually pay the money”. This had never happened, though.

The Estate did play an important role in the local economy by providing socially affordable housing. However, the only way it could sustain this provision was by making a profit. They had investigated whether they could get grants for renovating empty properties for socially affordable letting. They had not been able to get any grants for this purpose. The estate felt that Scottish Homes’ policy of not providing assistance to private land owners was “cutting off its nose to spite its face”, as it meant the government lost out on private investment in socially affordable housing. A large number of houses required upgrading on the estate; it was a “seven figure liability”. The estate also received “low returns on their capital value” from rents. To overcome this they had developed a strategic, long-term improvements programme to improve the quality of housing and increase the rental rates. Therefore it was “inevitable that people will have individual problems with their houses. People in let properties are quicker to complain... (We) would query if they would make so much fuss or do anything about it, if it was their own house”. One improvement from the Estate’s point of view was that fewer and fewer people lived in tied houses. The factor felt large estates had inherited a lot of “social baggage” from the old practice

of paying lower wages and making it up by providing employees with free housing. This “culture of dependency” limited private land owners’ ability to make a profit:

“(Estates) have retired staff in houses they could have let on the market for £12 to £13,000 per year. It was not envisioned in the 1960’s that this practice (lower wages offset by housing provision) would lead to a culture of dependency. Although it was cheaper than replacing the house with decent wages, it was not healthy; people should be able to save for their own retirements” (Factor).

The Estate had welcomed the introduction of short assured tenancies in 1986. This policy had given them an incentive to invest in its housing rental business. They would not “consider anything other than Short Assured tenancies”. On the question of housing security the estate manager felt that “the numbers asked to leave are so trivial, that the perceptions of housing insecurity are much, much greater than the actual insecurity”.

Forestry

Successive Stuart lairds with a keen interest in forestry have left a legacy of large areas of ancient native woodlands and well managed plantations. Recent research commissioned by the estate showed that some of their oak trees were coppiced 350 years ago – making some of the stumps 752 years old today. A forestry student from the University of Belfast had also discovered that the roof timbers in the Big Hall at Darnaway castle were cut locally in the summer of 1382. In the last 50 years, massive felling during the Second World War, devastating gales in 1953, and better incentives for agriculture have seen a trend of converting forestry land for agricultural use on most estates (Forestry Commission Employee). Despite the historical and ecological value of their forest resources the Estate said their financial returns from forestry are low for several reasons:

“...the forestry market is more depressed than the agricultural market, and the agricultural market retains a lot of government support. So you will find poor quality agricultural land is used for forestry. We *have* put some agricultural land into forestry, but only because there was no viable agricultural alternative...Pound for Pound agriculture is the best option. Management restrictions on forestry that might relate to wild life or ecological factors or public access are also matters that we have to bear in mind at time of low commodity costs and a heavier regulatory burden” (Estate Factor).

The estate had recently been certified by the Forest Stewardship Council (FSC) for sustainably harvested wood. They benefited by putting the FSC’s “comprehensive management system in place”. However, they thought FSC certification would have no impact on price, although this might change over time. Timber processors were facing a policy change that would mean 70% of

their timber would have to have FSC certification. So, whilst the Estate had not increased the value of their timber, they had “maximised their selling opportunities”. All the wood harvested on the estate travels no more than 20 or 30 miles to local timber buyers who process or pulp the wood. The estate felt that UK market demand was controlled by the Forestry Commission. “The product we grow is directly connected to what the Forestry Commission produces, the Millers will adjust their mills according to what the Forestry Commission has managed to grow...they have set themselves up to cope with the output from the Commission”.

The Commission had recently awarded the Estate a grant under the Woodland Grant Scheme, but this took some time to negotiate. The Estate had applied for a licence to clear-fell a large area of mature Scotspine. The Commission would not grant the licence because of the aesthetic and recreational loss to the area. Their local representative suggested the Estate fell the trees selectively in phases to retain some of the woodland and ensure regeneration from the stock in the future. The forest manager maintained this was impossible because the area had been earmarked for “Lord Moray’s retirement fund”. Eventually, after five years’ to and fro with various plans, the Estate agreed to phased and selective felling on this and other woodlands – to maintain the financial and the non-financial value of the resource. A Commission representative put this squarely down to the attitude of the “Forestry Manager of the day, *not* the one we have now, but his predecessor”.

The Forestry Commission representative felt that this story illustrated the fact that “forestry has gone through quite a change in the last few years”. He put the lengthy negotiations down to both the Estate and the Commission’s need to adjust and reconcile their approaches to the Commission’s new national standards and policies. He felt the Estate was now familiar with the Commission’s policies and the new Forest Manager was extremely receptive to the sustainable approaches now encouraged by the Commission. The Commission and the Estate were working together to develop a 10 year Forest Plan for the three different Commission Conservancies that the Estate’s forests cover (Grampian, Perth and Highland Conservancies). A Forestry Commission representative felt that the process of agreeing plans with forest land owners should minimise misunderstandings in the future.

Conservation Forestry

The Moray Estates manage some of their forests for profit; and grants from the Forestry Commission and SNH provide an incentive to manage other areas for conservation. Both organisations explained that the quality of forest management or conservation efforts on different

private estates “depends on the attitude of the land owner ultimately”. They both said it depended on the land owners’ objectives for land management:

“You have in forestry, you have a tremendous range of objectives...it may be nature conservation or it may be money – as simple as that” (Forestry Commission Employee).

“It is a problem in a way, you often find on protected sites that there will be may be one Land Owner who is sympathetic towards conservation and doing appropriate or positive management to enhance the wildlife value of the site, and yet next door that’s not the case, even though the ground is protected by the same designation and the same regulations...but of course his attitude is influenced by all sorts of considerations, one of which is the profitability of the estate and he might have a different attitude if the Estate was having trouble making ends meet” (SNH Employee).

The estate had been paid by the Forestry Commission for assisted natural regeneration using acorns from ancient oaks brought to seedling by a local nursery and replanted by the estate. They had not fenced the area, following discussions with SNH and the RSPB, to try to protect rare birds found in these woodlands, such as the Caipercaillie and Red Kites. Deer fences protect trees but they can be fatal for wild birds that be snared in them. Instead they were relying on culling Roe Deer and Rabbits at the risk of “being lambasted by bunny huggers”. The Forestry Commission representative I met explained that all the estates have big difficulties controlling the Roe and Red Deer populations – which have grown well beyond what the land can naturally sustain⁹. When this research was conducted SNH was “keen for positive management of the lower Findhorn Woods”. Under a positive management agreement, SNH and the land owner will agree a management strategy for “positive conservation work” in a particular area. SNH will meet any costs involved in the project. They hoped to remove exotic tree species which were dominating the tree cover, to conserve the area as an example of indigenous Scottish woodland.

Conservation & Consultation

The woodlands and moorlands on this Estate provide a habitat for rare and endangered species, such as Golden Eagles, Ptarmigan, Caipercaillie and Red Kites. You could also come across Sitka Deer, Peregrines, and Mountain Hares amongst others whilst walking on the Estate. Just driving along the roads of the estate I frequently had to slow down for the more common hares, pheasants, grouse and deer. The Estate was working with SNH and the RSPB to increase the number of Red Kites on the land, and had provided access to the Dava moor for a study on the

⁹ The Red Deer Commission was set up in 1959 to control the number of Red Deer in Scotland. There were 150,000 red Deer at that time, there are now 350,000 *more* red deer in Scotland.

Silviculture of upland native woodlands by the Forestry Commission. They also actively manage the estate to the benefit of grouse and salmon and other species, which are valuable for sporting.

Estate employees had only two “niggles” about government policy on conservation. The first was that they felt that the “myriad of schemes” set up to conserve the countryside did not provide support with any economically viable environmental work, say to manage land to benefit grouse and salmon or “other species for sporting purposes”. The second concern was they had had to close their visitor centre, where each year over 12,000 visitors used to come to see exhibits of the history of the Estate, Forestry, Farming and Nature Conservation. They had also had to stop employing a full time ranger who had taken people on guided nature walks and looked after wildlife conservation on the estate. They had run these services for 20 years, with 75% funding from the Countryside Commission (now SNH). When the transaction costs of dealing with SNH increased, and SNH’s funding decreased to 48% of the running costs, the visitor centre was closed down and the ranger service withdrawn:

“Over the SNH years they gradually increased their bureaucracy by requiring an awful lot more reports, with far more detail required, and they were classifying the activities into all kinds of different classifications, so you would get different rates of grants for doing what they wanted done, and at the end of the day we had to say: well, this is going to cost us *so* much money to run, that in future we simply *cannot* afford to do it. With the declining returns on Agriculture, it just couldn’t be met by the income that we were producing in other enterprises on the Estate, so it went”.

The estate manager felt they had been subsidising a valuable public service by providing 25% of the running costs, but couldn’t be expected to come up with 52% of the costs. These services had helped SNH to meet its objectives for public education, so they had lobbied hard against the cuts, the Estate manager told me he “fought long and hard at the time and made my feelings very well known, at whatever level I could, that their policy was going to lead to a reduction in public access, *enjoyable, educational* public access”. He felt that his inputs had been ignored. Now, in addition to the planned “positive management agreement” for the Lower Findhorn Woods, SNH has also provided grants to help maintain and upgrade public access walks through the estate at Sluie and Dunearn Burn to provide safe public access to the River Findhorn. There are three SNH designations on the estate. The lower Findhorn Woods and Moidach Mhor have been designated as SSSIs, and had been proposed by the Scottish Executive as a candidate Special Area of Conservation (SAC). The third designation was for Randolph’s Leap – to preserve its geological value. There had been “no trouble at all” in designating these areas and agreeing the boundaries for them between SNH and the Estate.

By comparison with the situation with local communities in Glencoe, Assynt and Borgie, none of the residents had any comment to make about SNH or the Forestry Commission or any other conservation body. They never came across them. SNH has no obligation to consult communities living on privately owned land when they are proposing to designate an area for conservation or if they are considering a conservation grant to a private land owner. A local SNH employee felt that there was “increasing recognition that there would be advantages in consulting more widely with the community” but this was less of an issue in this area, where local communities seemed to have less interest in land management:

“...the opinions of the local community can be very important, but that tends to be less so over here in Moray because the local community tend not to have very many opinions some times, or if they do they don't shout about them so loud as they do in other parts...there are clearer advantages in those parts of Scotland where the community have a closer involvement with the management of the land, so they still have a strong sense of attachment to the land ...I think it maybe has a lot to do with the way the land is managed here on the East Coast, with the fact that the Estates tend to have much firmer control over the management of their own land and their own priorities and agendas – which tend to be geared towards traditional sporting estate management, woodland management, farming and so on, and there's just much less of an influence from crofting and from the communities being involved” (SNH Employee).

Both the SNH and the Forestry Commission representatives felt that opportunities for public involvement should be increased. However, consultations should be limited to plans to apply SNH designations or award very large grants. This would minimise “the waste of public resources, with the administration involved in consulting the local communities” for very small grants for “several hundreds of pounds”. In the meantime, some land owners were taking the initiative by including educational or community involvement elements in their proposals to SNH because “they are increasingly aware that we are more likely to be supportive of a grant if it has got some sort of community basis to it”. Likewise, the representative of the Forestry Commission said that there was no obligation for them to consult communities living on private land over grants or applications to fell trees. They do hold meetings with their “normal consultees”: land owners, government agencies and the RSPB. They are also required to put information on the Public Register. This register was described as “inadequate”. It gives a technical description of plans and a grid reference, with no map. It is difficult to access and use unless you know what you are looking for. As a result people often don't know about the Commission's plans for an area – “until the operation is about to take place and it can suddenly be seen, because the machinery arrives”. On very large applications significant enough to warrant an environmental impact assessment plans are “well advertised, and heaps of people

have lots of opportunities to put up some feedback on those". Estates are also obliged to hold scoping meetings to invite public input to the new Forest Plan scheme.

The Estate had held a scoping meeting and invited local residents alongside SNH, SEPA, the Commission and other interested parties like the RSPB to comment on their Forest Plan. Although the Estate had "gone into it with enthusiasm", only one local resident showed up for the meeting alongside three orienteers from outside the area who "were on about their own agenda". Despite writing to residents and putting an advert in the local paper, there was a "very poor turnout indeed". Some felt that locals might stay away from meetings on the "bigger estates" as they may not have felt free to voice their views in front of so many Estate staff. Another agency representative had attended public meetings on seven different estates and got the impression that the historical position of tenants on large estates might be making people reticent, but times were changing:

"...because of the feudal business, I think a lot of the time...they would like to know more, or say more, but never actually react to it, because I think that they may be concerned about whether they will still be there next week. I think that's part of it. Now I am saying this to some extent off the top of my head...I think there's a learning phase going on at the moment, I think gradually the tenant, as it were, people will realise: 'I can actually have some say in this – and somebody will pay attention to me'. So, in the wider situation I think it's happening as well, but very slowly within the private Estates".

Another reason the meeting held by the Moray Estates may have been poorly attended was that not many people knew about it. It was advertised but none of the residents I met had heard about it. Everyone I met was interested in the local wildlife and forests, and went walking in the woods regularly. When I asked if they would like to know more or input to the Estate's plans for forestry or land management they all said that they would be interested to some degree. One family stated although they had suggestions they would like to make; they would be reluctant because "that would just get their back up even more, some times you're best just to stay away from them". Others described the relationship with the Estate as "distant", "old fashioned", with a "little bit of a feudal feel, in the sense of it being a big gap between landlord and tenant". The households nearby had been extremely upset when they were told the Scotspine woods near them were to be clear-felled. This was the same area that had been subject to the long negotiations over the final Woodland Grant Scheme award from the Forestry Commission. They were not aware the Commission had intervened to change these plans, but were relieved when the new Forester had reassured them that felling wasn't going ahead. Some local people also mentioned that the changeover in forestry staff meant that the estate's approach to informing them about

their plans had changed for the better. The estate was in favour of consulting local people on their plans up to a point:

“You might get useful ideas or direction that you might not have thought of, and it’s good not to antagonise the local community because they *are* living in your houses, but that has to be balanced against the need to make good management decisions based around good silvicultural practice. If public expectations are not reasonable it can result in over restrictive management practices, and then reduce the viability of business” (Estate Manager).

Alternative Incomes & Livelihoods

Some local residents were interested in more than just being consulted on the Estates plans. Two of the long-term unemployed tenants mentioned that they were interested in growing vegetables and managing a plot of land near to their rented cottages – to cut back undergrowth and encourage native saplings. They had not approached the Estate, because they were not sure how positive they might be. When I brought it up, there was no indication that the Estate would not be open to suggestions, although the Estate Manager did respond by saying that they didn’t get enough support from SNH to provide environmental education and interpretation facilities.

Some residents were also members of the Morayshire LETS scheme. This is a non-cash exchange system. People trade their time for LETS, or acquire goods and services using LETS they have earned. There is a ceiling of 250 LETS; if anyone has more than this in the “bank” they must spend them or donate them to the community. One of the members of this scheme explained that he had earned so many LETS doing gardening work and collecting firewood from the local estates that he had set up his own charity, The Community Chest – to support young mums. The LETS scheme was used by a number of the local residents. It was very popular for several reasons. Some people felt that it gave them access to goods and services that they could not afford in the mainstream economy: “It helps us to stay viable, it helps us to keep our noses above water”. Members also felt it put them in touch with a wider group of people, gave them access to transport and increased their work experience and chance of finding a job in the future:

“...it knits people together and makes people aware of each other, and over quite a wide area...if I want to build up more contacts for work in trees and woodlands, LETS enables me to work a little, without upsetting the DSS, to get experience to get back on my feet, and to establish some contacts for when I get work again, almost certainly, I will be going self-employed and LETS helps me, it is also a wonderful thing for connections in the community ...it helps to make the small communities, rural communities viable again” (Tenant).

One of these residents also had permission to collect firewood from a few of the local Estates, including the Moray Estate, which he then sawed up and delivered locally in return for LETS. Other people I met collected wild mushrooms and berries from the estate for their own use – “it’s food!” – or in exchange for LETS. They were cautious about these activities because they felt that wild food was vital for sustaining local wildlife, and were worried about commercial pickers or some people “being a bit greedy and over-doing it”, who might come in and overexploit these resources. The estate also said they would be “very disappointed to see that there were professional mushroom pickers” but for local residents, collecting firewood, road kills, mushrooms or berries on the Estate was something “we cannot practically restrict if we wanted to, which we don’t”. One family recounted a tale about a local woman who had been caught picking mushrooms and was stopped by an Estate employee who “pulled threads off her” and told her she couldn’t pick mushrooms on private property. This type of resentment was not uncommon, but in all cases people were careful to point out that “it’s not the actual *Estate*”, not the laird, just “a few of his staff”.

Land Reform

The general feeling amongst Estate staff, some agency representatives and the local Councillor I interviewed was that the community right to buy would have very little impact in this part of Scotland. Some felt that most people “wouldn’t have a clue about it” and others felt that none of the local communities would have enough of an interest in land to “coalesce together, or have enough reason to want to purchase a piece of ground”. With the exception of “specific cases”, such as the “Assynt or the Knoydart of the world”, the general consensus was that community purchase would be limited to a “few isolated examples” – elsewhere in Scotland. The Local Moray Councillor I met explained that this was down to the type of land ownership in the area:

“...the majority of the land around here is owned by large estate owners, Moray Estates, Logie Estates, Darnaway Estates, the big Lennox Estates out in Fochabers area, and then you’ve got the Forestry commission who own half the nation. No, but they have a lot of the forest lands around here. So, I wouldn’t have thought that there are many community interests in land or communities with *vested* interests in Land Reform” (Moray Councillor).

The Moray Council was preparing their response to the land reform bill, which included inputs from its local councillors and community councils. The Chief Executive circulated a draft response to the councillors for their final input. The Moray Estates had also responded to the Land Reform consultation papers; and the Estate manager had contributed to the community council’s response as he chaired the community council for Dyke Landward. The Estate

Manager felt that the “consultation documents that came out on Land Reform were exceedingly good, because they’re reasonably concise, and they were produced in much the same format for each stage of the thing, which was good”. He explained that “it is not the sort of thing you *can* formally consult your constituents about, I mean, you have a chat with people and, people are talking about things with lots of people and you get a feel for what people think, but there is no way that it can be construed as being representative response for the community at large”.

The Estate staff felt that the whole Land Reform agenda had been “unduly influenced by the ramblers” lobby at the national level, and that the issues of Access and land purchase should have been dealt with in two separate bills. They also felt that the Land Reform Bill should not have been a priority for the new Parliament “until they had sorted out more important issues, instead of fiddling while Rome burns...with things like access and land ownership”. They felt “very disillusioned” as the Executive had “taken no notice whatsoever” of their input to the consultation papers. The issue was that the Executive had introduced a proposal to give crofters the “ability to acquire salmon fishing and sporting rights, which is an *extraordinary* addition after three or four rounds of consultation”. The Factor explained that they didn’t think Land Reform should be a priority policy for reform, and that the government had backed itself into a corner by promising too much:

“...in the early days, at a conference with John Sewel I annoyed him sufficiently that he wagged his finger and said: you lot are getting Land Reform whether you like it or not... they promised so much in advance that they were hidebound by their own proposals, then they were left thinking: how the hell do we back out of it? It is still a shambles, a hugely expensive shambles, what will come out of it is something that will have negative effects on a Land Owner when ambitious crofter communities whip some thing like Salmon Fishing out from under his nose” (Estate Factor).

Other concerns felt by the Estate and one of their farming tenants (also a land owner) was how to ensure community groups represented genuine local opinion. There were concerns here that individuals might take advantage of the community right to buy to further their own interests. As one participant put it:

“Providing that it is consultation, and providing that it is not a license for someone who has got a bee in their bonnet, to sabotage what plans someone might have, then I think that there is a place for that type of consultation”. (Local Land Owner).

There was also a feeling that where local communities needed land for specific purposes, land owners would not stand in their way. The fact that a neighbouring land owner was donating some land for a community hall was given as an example. As part of the proposals included a

commitment to encouraging more public involvement on *publicly* owned land, I asked what they felt about more public involvement on privately owned land. The Estate's position on the question of communities having a say in economic development on privately owned land was they would be concerned about more "bureaucracy and imposition and...the interference that that would impose". Their land-owning tenant had no problems with the proposal beyond a concern that if the rights applied to commercial land it may affect the market price of land:

"...if I were a land owner and I were in a position where had a community done this (pre-registered an interest), I would have to give them six months to let them get themselves sorted out, now on the kind of land that this would tend to apply to, which tends to be relatively barren land, I don't actually think that it would be a particular disadvantage to me. However, if you are talking about that field over there, then yes, that would be a *huge* disadvantage, with big commercial implications for the land owner...insofar as it could apply to what you might call more commercial land, I think that would be a worry, and I think that I might be quite concerned about that" (Local Land Owner).

The Estate was also concerned that more public involvement in land management may lead to inappropriate developments and financially unviable or environmentally unsound land management. "If...the wrong developments are allowed or enforced...It is a great concern, because a lot of what you are seeing if you take a drive round Darnaway, is the result of hundreds of years of, we think, good land management". Having visited this Estate, no sane person could argue with the second half of this point. However, the Estate staff did agree that there have been some cases of bad land management and land owners who *have* had negative impacts on local communities. On this front, they felt that the draft Code of Practice for Responsible Land Management for private land owners was unlikely to have an impact: "unless a code of practice is enforceable by law, which it isn't by its definition, then what's the point of it?" At the end of the day, the estate felt that the proposals were less radical than they started out, and that the whole process was driven by a political desire to win plaudits for fixing something that did not need to be fixed.

The Moray Councillor I met told me that he had been approached by a few of the local landlords on the issue – in an informal way. This Councillor welcomed the proposals to give communities the right to buy land. He was particularly supportive of the proposal to give communities six months to put together a viable plan and raise the money before exercising their right of pre-emption. This was because he had been involved in the buy-out of an area of local woodland from a commercial forestry company. They had only two months to come up with the money for the land, and although they had got the right people on board, who knew the right contacts, and one was a lawyer, who had previously been involved in a community land purchase elsewhere,

attached to the Crofter's Commission or the Highlands and Islands Enterprise Company, but he knew all the ways in...it was pretty tight, but I don't think – I think maybe we'd *days* to spare, but it took us two or three months to get it all together, so I think that the six month is a *good* time for preparation and getting it all together". He also felt that the right to pre-register an interest in land was helpful because, in their case, even with the contacts and funding they had secured "it wasn't all plain sailing, we didn't get all we wanted, and a private Land Owner did a quiet deal to get some of the ground we wanted". If the community had pre-registered an interest in the land, this type of deal wouldn't be possible.

All of the Estate residents were aware that the government was doing "something on Land Reform". No one thought proposals would make any difference to them. One tenant was particularly adamant that the proposals didn't go far enough, and were not tackling the kind of problem they associated with land ownership:

"No! No! It won't change how they (the land owners) behave. If you have actually read the tenancy agreement, the way they could just, *just* snap their fingers and put people out of their houses for *no reason*. I'd change the tenancy agreement that's one thing I think they should do, so we have a bit more stability. Tenants *should*, especially if they have been there for years and years, and they have not been causing trouble. I think they should be allowed to stay in the house as long as they want, have some security, definitely. It never used to be like this, I think it was a two year tenancy the first time we moved in here and they changed it to the short assured tenancy, aye. They shouldn't be allowed to!" (Tenant).

Another resident felt very strongly that there should be a change to encourage more diverse use of land and more opportunities for local communities to make a living from land. Whilst this resident felt that there was a need for Land Reform, they couldn't see quite how the current proposals could undercut years of history to bring change overnight:

"...what we need is more land in smaller parcels... I think that the rural economy *must* move away from this notion of huge tracts of land and property being in one pair of hands. It doesn't work, not really. So, the answer has to be *yes!* We need land reform, because it does restrict what you can do, it restricts access to the resources of the countryside, if it is all in the hands of one person. Big Land Owners are not always the best people to manage the land, sometimes you get good ones, forward thinking ones, but not always, and so, I think there are a lot of ideas going round, I think there's room for a lot of change...that's unlikely to take place as long as land, very large tracts of land remain under one owner. Is this Bill going to change *that* any time soon?" (Tenant).

The land reform bill will have very little impact on the communities living on the Moray Estates:

“...our policy for some time now, has not been to sell anything really, that’s a policy which is obviously broken from time to time, depending on what properties we are talking about, but generally we are not in the business of selling things, no quite the reverse, we have just invested in buying additional land”. (Estate Manager, Moray Estates).

Although a number of tenants expressed a wish to buy their houses, it is unlikely that they will be able to do so. There was very little involvement in land-use decision-making on this estate, and local people on this estate were the most reticent about their rights to influence decisions about the management of this estate, far from become involved in local development opportunities based on this land.

CHAPTER 5: Case Study 2

Local Participation and Community Development Opportunities on the Assynt Crofters' Trust's North Lochinver Estate.

Introduction

In December 1992 television crews arrived at a tiny school hall in the township of Stoer on the North Lochinver estate. They were there to broadcast the local community's victory celebration following the news that they had "won the land". This buyout was a landmark community purchase and pioneering example of the motivations behind - and trials faced by - communities wishing to purchase land¹. Before this, the Stornoway Trust had been the only community that owned a large estate. Since then community land ownership has seen a steady increase. Up to 160 communities have become land owners in the last decade. This case study gave good insights into how community land ownership works, where the difficulties lie and how local people felt it compared with private land ownership. In the light of this community's own experience, many discussions focused on the draft proposals for a community right to buy land. Members of this community also outlined how the planning system and relations with government agencies sometimes had a negative impact on rural development.

The Land

The North Lochinver Estate covers just over 21,000 acres of rocky coastal land on the north west coast of Scotland. The land is hilly and riddled with lochs and small rivers. The crofts and common grazing areas are divided by fences and stone-dyke walls built with rocks cleared by tenants to create viable runrigs in the 18th century and, later, for crofting land in the 19th century. In the early nineteenth century, the Sutherland Estates used this outcrop as a "receiving area"², subdividing existing tenants' runrigs for families cleared from more fertile areas of Assynt. In 1883, a resident of one of the estate townships, Clashnessie, complained about the impact of clearing communities to poor quality land when he gave evidence to the Napier Commission:

"Over fifty townships in this parish were made desolate, and the tenants sent hither and thither over the face of the earth, and when they found a resting place at all in their native land, it was on the poorest scraps, rocks, and bogs, and often put in amongst the poorest

¹ Wightman, 1999 and MacAskill, 1999.

² MacAskill, 1999.

crofters, subdividing their lots, and intensifying their poverty” William MacKenzie, testimony before the Napier Commission, 1889.³

Initially, communities were cleared to make way for sheep farms. When these failed, inland areas were converted to what is now the Glencanisp Deer Forest⁴. Local place names like Achnacarnan – meaning “field of stones” - reflect the poor agricultural quality of the land that is now owned by the Assynt Crofter’s Trust. On the estate today, there are three small remnants of mature native woodland. Since the buy-out over 1000 additional acres have been converted to forestry. All but 90 acres of the estate is under crofting tenure⁵. A sometimes precarious and very narrow, twisting single track road links the townships. The 13 crofting townships are made up of traditional, small and sturdy stone or white-washed houses. There are 300 houses on the estate. Roughly a third of them are holiday homes. The total population is about 400. Of the 172 crofting lots, 119 tenants are resident. Some of the crofts owners’ are absent and some tenants manage more than one croft.

The Buyout

The North Lochinver estate was originally part of the Assynt Estate, which is now the 70,000 acre Glencanisp & Drumrunie Deer Forest Trust estate. It is owned by the notoriously wealthy Vestey family⁶ which bought it in the 1930s. In 1989 Edmund Vestey sold the rockier, coastal land – the North Lochinver Estate – for £1,080,000. In 1992 the new owners, Scandinavian Property Services (SPS) Ltd, a Swedish land speculation company, went into liquidation and the estate was again put on the international market. In a bid to maximise returns from the sale, the receivers broke the estate up into seven, separate lots for a total asking price of £473,000. The lots were allocated without regard to the lie of the crofts on the land. This effectively meant that traditional townships – the smallest unit of a crofting community – would be broken up. It would have meant that some individual crofters would have to pay rent to three separate landlords. It also made local people uncertain about how the estate was going to be managed as a whole in the future. Local concerns about the proposed break-up of the estate were officially voiced for the first time at a special meeting of the Assynt Branch of the Scottish Crofters Union, called by the three men who then lead the community’s high profile campaign⁷.

³ Cited in Bangor-Jones, 1998.

⁴ MacAskill, 1999.

⁵ Figures provided by Janice MacLeod, Crofting Administrator and the Crofters’ Commission.

⁶ The former owner of the North Lochinver estate, Edmund Vestey is the UK’s second richest individual with a fortune estimated at £700m in 2003. The Vestey family made billions from the international meat trade and the family name has been labelled “a byword for tax avoidance”. See The Sunday Herald, 7.09.03 & 08.08.04; and <http://news.bbc.co.uk/1/hi/england/suffolk/2978499.stm>

⁷ Bill Ritchie, John MacKenzie and Allan MacRae were respectively the Treasurer, Vice Chairman and Chairman of the Assynt Branch of the Crofters Union.

I asked everyone I interviewed what had motivated them to buy the land. There was dissatisfaction that crofts could be sold out “from under our feet” by private firms and individuals speculating on hefty profits on the international land market; and that the company failed to even mention the crofting status of the land in the particulars. The prospect of dealing with up to seven – possibly absentee – landlords was also unpopular. People’s language also indicated an urge to take control of their own futures. People told me they wanted to “control our own destiny”, “take charge” and “win back the land of our forebears”. The sales’ brochure’s romantic description of the lots as a “wilderness...where man himself is perhaps the alien” also rankled. Interviewees described this as “ridiculous”, “offensive” and “too far removed from reality”. It contradicted their own perceptions, summed up in the statement: “I saw no *aliens*, just families who had lived and worked the land for generations and generations” (Allan MacRae). When discussing local people’s rights to control and benefit from land use, more than one person referred to “the people who have *lived and worked the land*”, others stressed that whilst anyone was welcomed into the community as a newcomer because there was a “feeling of gratitude to them that they have moved in”. There was also a lot of importance attached to being “*of the people*”. These phrases sum up how local residents defined their community. The two concepts of social community membership and collective stewardship of the physical environment – literally *living the land* – were fused together. People shared the principle of Dutchas introduced in Chapter three; there was a symbiotic relationship between land and people.

The decision to buy was strongly linked to a deep-rooted sense that hard work by crofters had shaped the land the sellers billed as “unreality” and “a fantasy”. Many people also confirmed that because of the history of tenure in the area, land ownership was an “emotive” as well as a practical issue for local people. Many of the residents I spoke with had confidence in their strong right to claim the land. Public sympathy and support had also been very important to their success. Public donations totalled over £130,000 to help with the purchase. One crofter’s own analysis makes the point clear:

“I always felt that that (public) support could have been summed up by a headline that was run by one of the big daily nationals down in England...: *Crofters Gather to see off Land Owners*. In a way that headline said what a lot of the public felt about Land Lordism in the Highlands, that here *at last* was the crofters getting together to see off the Land Lord! This really appealed to the public, and that paper was quite clever, because it ran that headline and it *knew* this is what the public would really like. That we would see off the Land Lord and that’s very much reflected in the tradition of how people see the history of the Highlands...that’s why the public responded to us, instinctively. It wasn’t even so much responding to the Assynt Crofters but just, to the injustice, and they wanted to help to put it right, and we were just there at the right time. I was certainly amazed at the support we got, it was quite remarkable, because we had no idea that we were going to get that support, it was a real gut reaction from the public” (Allan MacRae).

Over half the people I met confirmed in one way or another that part of their personal motivation to buy the land was this historic imperative to secure their rights for once and for all. They indicated that for many of the more traditional crofting community members “when they bought the Assynt Crofters’ Trust land, they were just content to have the land, that sort of settled it, *to have it*. Not to have a land owner, and that was enough” (Claire Bellshaw). Confidence in their right to the land was also fostered by crofting legislation:

“If you take our case...crofting rights are enshrined in law, and a land owner cannot really harm a crofter, there are lots of ways that the buying of the land doesn’t really affect a crofter, because we have legal rights” (Aileen Kinnaird).

Crofting legislation was seen as pro-community. It empowered people by giving legal protection and recognition to crofters’ rights. Indeed, the community’s first move was make it publicly known that they would use the 1976 Crofting Reform Act to acquire the title to as much of the crofting land as possible. This law entitles crofters to buy their individual crofts at fifteen times the annual rent. Although the priority was to keep the estate together, and not divide it into individually owned crofts, they hoped their threat would be enough to “warn off prospective buyers” (John MacKenzie). It was the opening gambit in a successful campaign strategy. As well as using crofting legislation, the crofters also made it publicly known that if their bid to buy failed, they were “determined...to take the title to our land through the Land Courts against these foreign speculators”. Everyone acknowledged the critical role played by the three campaign leaders. The consensus was that without them it would not have happened. This was because “they had the *go ahead* and they were prepared to take it on and to do it...it would never have happened without Bill Ritchie and one or two others” (Hector MacKenzie). Another factor in their success was the three leaders’ combination of knowledge and skills. Having the right connections was also an advantage. Bill Ritchie was at one time the Chairman of Scottish Natural Heritage’s North West Regional office:

“...this is just a feeling, my own personal view, but I think that he did groundwork before, and spoke to the right people from CASE, and HIE and Highland Region, and when we suggested this, and because it also came from him - it had a gravitas already. When he produced this idea at a Crofters’ Union meeting and I think there was amazement, and then when we had a public meeting about it in the school...we were all in support...and the ball started rolling”.

The Assynt Crofters Trust Ltd. was set up in the early days of the community’s campaign. As well as their publicity campaign, they sought funding and conducted a feasibility study and produced a business plan for community ownership. (John MacKenzie). Becoming estate owners was an expensive business. Crofters, their families and public supporters raised £130,000 through pledges

from a total of 824 people⁸. They were given grants of £50,000 from Caithness and Sutherland Enterprise (CASE); £20,000 from SNH; and £10,000 from the Highland Regional Council. With a final top-up loan of £90,000 loan from Highland Prospect they were able to make their final, successful offer of £300,000. Following the acceptance of their third bid to buy the land in February 1993, the Trust finally became the Land Lord. “Our success means that we have put an end to the stranglehold of absentee landlords on the crofting communities of North Assynt and set in motion an irresistible change in the land tenure system throughout the Highlands and Islands of Scotland”. Over 300 people gathered at the school hall to celebrate:

“Once the land was acquired on the third attempt, the *euphoria* in that building, well, my goodness! But common sense tells you that it doesn’t last, I mean it would be impossible for that to last....I think that the majority of members here are pleased that we have the land, they are quite pleased with the way things are going, but of course you can’t please everybody, you couldn’t begin to please everybody” (Aileen Kinnaird).

The following section outlines the Assynt Crofters’ Trust’s experience of managing a community-owned estate after the initial burst of euphoria. It outlines their relationship with the local community and with the government agencies tasked with regulating land use and development in Scotland. The final section outlines the local people’s analysis of the government’s land reform proposals as they stood in 2000.

The Land Owner: Assynt Crofters’ Trust

The Assynt Crofters’ Trust is a company limited by decree. It has social, educational and cultural, and natural environmental development objectives. This includes funding property development; environmental renewal and improvements; creating affordable housing; developing woodland resources on the estate; and creating opportunities for young people to help sustain viable local communities⁹. The Trust’s chairman summed up the vision behind these objectives:

“In gaining control of the land, we would gain control of our destiny and we would be able to, almost without interference, be able to determine how this major asset might be better used for the benefit of the community, and I have to say that we are now nearer in that respect... wishing to operate it within the parameters of how a crofting community operated in the past, by those same approaches to managing this fragile resource, the land” (John MacKenzie).

⁸ MacAskill, 1999.

⁹ MacAskill, 1999.

The Trust has a devolved management structure. Membership is open to anyone for the price of a pound. The Trust is managed by a board of directors served by a “three-man executive”, the Chairman, Vice Chairman and Secretary. The board is supported by a paid crofting administrator, and a part time administrative assistant. The three-man executive is elected by the board every three years. Individual members of the board are elected by the whole community every three years on a rolling basis. Each year, three townships elect a new representative. The board meets every six weeks. Beyond the board members, these meetings are not well attended, although they are open to anyone. People seemed content just to go to the bi-annual shareholders’ general meetings which were “very well attended” (Kenneth MacKenzie). All the directors work for the Trust on a voluntary basis. Non-board members’ time is paid where possible. The company’s independent income comes from crofting rents, which come to just over £2,500, fishing and sporting leases and a hydro-electric scheme operated from Loch Poll in the north of the estate.

When I was finalising the list of interviewees for this case study, one thing that struck me was how familiar each of the people in the community were with each others’ viewpoints and political perspectives on different issues of relevance to the estate’s management. When discussing these differences, people were also humorously tolerant of others’ opinions. Many people saw this as a very positive aspect of their community management system. Some thought that diverse opinions lead to more careful consideration and debate over important issues. However, others felt that the Trust’s decision-making processes could still be much more open.

There was consensus that the management system could be more representative. It would be “better to spread it wider”. People said they would like to see stronger representation of young people on the board. People also questioned the merits of the “system of having a representative from every township. It sounds, democratically, very sound, and it is. The only snag is that not all the townships are well populated, so where there are sizeable numbers of people, that’s fine, but there are townships where there’s only maybe only one, active crofter...so we have a director at the moment who was voted on by himself” (Kenneth MacKenzie). This issue had been discussed by the board. Whilst there was general agreement that the voting system could improve, “nobody wanted to grasp the nettle... (and move to a) general voting system, where everybody votes for whoever is standing, you have ten vacancies and fifteen people standing, and that way I think that we would get a better board, a better quality administration, but I don’t think that politically, socially, we haven’t got to the point where we could push that one. The Townships would feel that that would be losing their Director” (Kenneth MacKenzie). In the meantime, people frequently mentioned that communication between the board

and the wider community could improve by holding informal meetings between board members and their local townships, and starting up the Trust's newsletter again.

Non-crofting Trust members were excluded from voting rights or membership of the board. Again there was consensus that non-crofting members should be able to be full members. I didn't come across any opposition to this in principle; it was simply a matter of finding the time to address this, and other representational issues. As one very committed non-crofter put it: "people recognise it as a problem, but none of us has actually got round to trying to alter that yet". Three people felt that it was not operating on fully "democratic principles". There was a feeling that decision-making on key issues could be overly influenced by the solidarity of members of the local church – or by people acting either in their own interests or on their own initiative. There was definitely evidence that "you can't please all of the people all of the time". In the final analysis the small size of this community of "fairly closely linked Townships" meant it was relatively easy for people to approach the board for information or to give them advice and views on key issues.

Many people discussed the need to develop a more strategic approach to managing the estate. "We are not ICI, we are doing alright, but there is always room for improvement". The majority felt the Trust should employ a full time person to facilitate a more strategic approach to managing the estate. The Trust does have a Crofting Administrator who was described as "a sort of Factor, well, *would* have been called a Factor, actually under normal circumstances, but because of the nature of the take-over...the locals didn't want to be saddled with a name like 'Factor'. It is a bad name in highland history". (Kenneth MacKenzie). The Crofting Administrator handles all the crofting issues on the estate, including transfer of titles, applications to de-croft, mediating between the Crofters' Commission and the local crofters, and coordinating joint croft management. This included successfully handling an outbreak of sheep scab. She worked very hard to encourage all the crofters to work together to tackle the problem. However, every person I spoke to did feel that there was room for more strategic co-ordination beyond crofting matters.

There were various reasons for this. Each was strongly linked to the fact that the Trust's board was heavily dependent on volunteer time and "a bit over extended and involved in *so many* different things" (Robin Noble). This meant that time and energy was invested on a project by project basis, limiting the Trust's potential to develop a more coherent, or co-ordinated approach. One resident said "unless we do something for the crofters that the previous land owners didn't do, then they haven't really got very much out of the deal. I feel that we have resources, not a lot, but we do have some, and

we could be focussing more on the Townships and the people there, and what they want to do, and assisting them, even in a small way” (Kenneth MacKenzie).

In addition to providing financial assistance through matched funding for local people, residents felt that hiring a “facilitator person” would help the trust take a stronger lead in building tourism, sporting, forestry other development opportunities. Residents envisaged that this could involve a variety of tasks. These included developing strategic and integrated development plans or “five and twenty year strategic visions”; linking the Trust’s activities with other relevant schemes in the area; synthesising and keeping tabs on different projects’ status; supporting applications for investment and funding; budgeting; sharing information with members; and coordinating uptake of the vast range of findings and surveys done by visiting researchers. The Trust was considering applying to the Highland Community Land Fund for support to create this type of position. I only met one person who had reservations. He acknowledged that the estate could possibly benefit from support with development; but felt strongly that this should not come from the public purse:

“I don’t agree that we should get money from the government to appoint a full time administrator to help take forward the estate. Why would governments help communities to buy the land, and then continue to give them money to help them run it. What? To me that defeats the whole purpose of trying to empower people to take control of their own future, I am not saying that you don’t need money to try and develop things, yes. But I certainly think as far as running the Estate is concerned, with this idea that you have somebody paid for by the government, I would certainly be totally opposed to that” (Allan MacRae).

One exception aside, the vision emerging from our discussions was of a facilitator who would act as a “community catalyst” (Robin Noble) to harness the energy, skills and dynamism of the local volunteers. Another benefit was that it could improve relations between the community and the board as “sometimes it is easier if you have an independent person doing the brainstorming session and pulling the ideas together, then people don’t take it personally” (Claire Bellshaw).

Population Retention and Housing

Building more houses was an important objective for the Trust. The lack of affordable housing was a major concern for everyone in Assynt. The number of holiday homes on the estate was seen as a big problem:

“It’s the most common message we get from people in the area: the lack of housing. Well, not the *lack* of housing, it’s the lack of *affordable* housing. There’s more and more holiday homes, especially in Drumbeg, and parts of Stoer, it’s quite atrocious when you go over there

in the winter it's dark with empty houses. There are plenty of people who want to live there, but they can't afford it because of the market for holiday homes" (Community Councillor).

Absentee crofters who used their croft houses as holiday homes and left the land unused also cropped up. The demand for houses was mirrored by a wider demand for more crofting land in the whole of Assynt. The crofting administrator and the Crofters' Commission were looking into the local absenteeism problem. Some people didn't have high hopes for the Commission's review of absenteeism. It was seen as inconsistent and too slow to have a real impact increasing occupancy of crofts and houses. One couple with a young family worked locally and lived in a holiday home in winter. Every summer, when the rent got too expensive, the family had to move into a caravan. This was just one example amongst many of young people keen to live and work in the area. Their main barrier was the lack of affordable housing, and the pressure caused by the lack of available land in the district. Another crofter described his son's situation: "Aye, but he's working the croft, and he's keen on living here, but he can't get on with his own house, can't get on with his life - because there's no grant, because they can give you a grant if you have already got money to match it, but if there's no money in your kitty, there's no grant and no house...that's the policy, well it's certainly not good here".

Everyone saw the lack of affordable housing and waiting lists for crofts as critical barriers to getting and keeping younger people in the community. There was a unanimous view that "unless there's houses they can afford there is *no encouragement* for young people to stay here at all" (Hector MacKenzie). The community council felt ill equipped to help. Their main trouble was lack of funding. This had improved slightly when they acquired an independent source of income from letting a council-owned building. However, even with this income, together with a "too small" grant for housing from the Highland Council it was still "a big, and most difficult topic for the council every year" (Community Councillor).

In Assynt the population fell from around 2500 in 1850 to around 800 in 1950. One community member felt that falling population size was so serious that if the opportunity to buy the estate had not come up when it did, one generation later, there might not have been enough people left to form a critical mass and buy the land:

"But you know, what you are fighting in the highlands is that many crofting areas now, there are so few people left in them, in many areas there's not the people *on the ground*, to *make* that change. In fact one more generation, it wouldn't have happened in Assynt" (Allan MacRae).

Since the Trust took over the estate they have been making heroic efforts to tackle the housing issue – to try and attract young people to come and live on the estate. This aspect of the board’s work was lead by a volunteer, the local head master, and former chair of the board, Kenneth MacKenzie. For him, a major benefit of community ownership was that the Trust had been able to appeal to each of the townships to identify suitable housing sites. “Most Townships said that they would be willing to provide land, and a small number said not only would they be prepared to release land, but they would be prepared to point us to some land that could be used” (Kenneth MacKenzie). He was co-ordinating the Trust’s plan to build affordable housing on sites offered by two of the townships. This involved liaising between the Highland Council’s Planning Authority, Scottish Homes – the Housing Association who would fund the scheme; Albany homes – who would build the houses; and two regulatory bodies, the North of Scotland Water Authority (NOSWA) and the Scottish Environmental Protection Agency (SEPA).

“I simply co-ordinate them all – *trying* to get everybody to agree, so that we can simply build some houses. We have made a certain amount of progress, we have pretty good progress, we have had plans drawn up, and we have a site...and everything seemed to be going fine until we came up against SEPA and NOSWA” (Kenneth MacKenzie).

Those familiar with this scheme felt that most of the agencies had been “pretty supportive”, particularly the Housing Association who had represented their case to the Scottish Executive and given them advice on dealing with other agencies. However, SEPA “wouldn’t countenance our scheme unless it was linked up to the council scheme next door, they wanted that scheme improved first”. This meant that the Trust had to negotiate an agreement between the funders, the council and the regulators to upgrade and incorporate their scheme with the existing one. He patiently described a complicated bureaucratic process involving SEPA and NOSWA lasting over eighteen months. At this point they were back “on hold” until NOSWA prioritised its sewerage improvement programme. There was no clear indication of when this might happen. Another challenge the Trust faced was a legislative proposal by the Scottish Executive regarding Housing Association homes. The Trust had made representations to the Executive opposing its proposal (championed by Wendy Alexander, MSP) to give sitting tenants the right to buy Housing Association homes. Kenneth said that he and many others felt that the Executive’s proposals would be counter productive:

“If it transpires that this legislation does actually go through, I think we should just scrap it. The idea was that we had affordable rented accommodation and it might attract people either to stay, or people to come in who had something to offer the place. So if we had to sell them, then it is not worth pursuing, we could probably sell house sites, we could probably raise money for the Trust to do various things if we did, but again, that is not really helping the

local community, it brings in money, but it could very well be just yet another holiday house, we need *people on the ground*" (Kenneth MacKenzie).

There was a high level of awareness and support for the Trust's efforts to build affordable housing on the estate. The perception that SEPA and NOSWA blocked housing development and automatically "just knocked everything on the head" was very common. I heard numerous tales of planning applications for housing going awry when either organisation entered the fray.

Crofting

People with crofting tenancies were involved in very small-scale organic vegetable growing; crofter forestry; milk and beef cattle and sheep farming. Some crofters were also experimenting with alternative produce and polytunnels. Other activities included raising and training Icelandic ponies to operate pony myzers to take timber from the community-owned Culag woodlands nearby; and giving riding lessons. Renting chalets and running B&Bs were also used as a supplement to crofting incomes. The main crofting income was sheep quota subsidies. Most crofters felt that it would be impossible to survive without the subsidy. As a result there was a high level of concern about the Common Agricultural Policy (CAP) reforms – proposing to transfer assessment on the basis of the number of sheep raised (headage) to the amount of land under sheep (acreage). The subsidy system was heavily criticised for discouraging diversification from sheep farming to forestry, cattle, or organic and conventional arable farming amongst other alternatives. There was also a real concern that the proposed changes would "destroy" crofting completely; that sheep and cattle would disappear from the landscape altogether. This was viewed as a potential disaster for crofters and the environment. The view that cattle and sheep helped to maintain the bio-diversity of the area was very common:

"Where the animals have gone, you can see we are overrun by bracken. The time could come when there are no animals, because you can't make a living out of it, which is sad because we have that vast ground, and what will happen if we don't have them? I am sure that it's the grazing that encourages the wildlife" (Janice McLeod, Crofting Administrator).

In our discussions about crofting subsidies and other regulations, SEPA provided a remarkable example of reality on one hand, and – almost completely detached from it – government policy implementation on the other. The crofting administrator had had a high number of complaints from local crofters about SEPA. They were sending crofters bills for £150 for an OP sheep dip disposal licence. However, SEPA itself had already banned OP sheep dip. SEPA's response to complaints was that the crofters had to hold a licence under the law - even if it was not on the market. They also took the time to point out that there were other dips (for which you don't need a licence) that they *could* use

if they wanted to. Whilst this was useful information, none of the crofters planned to use another dip, because the alternatives they had tried didn't work. Although they had some hopes for a new organic dip that had apparently worked well for crofters on the Outer Hebrides, they were at a loss as to how to deal with SEPA. They had appealed to SEPA individually, and via the crofting administrator, the crofters' union and the community council, but had been "ignored". There was still no solution in sight for this bizarre situation.

This example helps clarify why SEPA were by far the most unpopular government agency in this area. Their name got a negative response from everyone I interviewed. They were "making money from the people"; "ignoring people", giving people "no opportunity whatever to have a sensible conversation with them" and "trying to shut the highlands down" by "blighting development". The strongest grumble was their "stranglehold" on housing development. They were seen as unapproachable, distant and unyielding in their approach. The community councillor recounted attempts to influence SEPA on the behalf of local people's development and housing interests. He introduced it as an example of the "worst excesses" of a national agency's lack of responsiveness at the local level. They had "repeatedly written to SEPA" to promote local interests in planning applications they were holding up. He had "no luck whatever".

As well as battling it out with SEPA, all of the crofters on the estate deal with the Scottish Executive's Environment and Rural Affairs department (SEERAD). One problem mentioned here was the level of paperwork involved subsidy applications. "The trouble with that is, it doesn't matter if you have a dozen sheep or 200...if you are a small crofter, you only have to fill in very small sections, but you have to read right through it, because as soon as you make a tiny mistake or haven't filled in some of it, you might lose the subsidy, so that's difficult". However, she had just received a SEERAD consultation document seeking feedback about why they were receiving so few applications. The crofter who told me this had "just binned it! Because there were so *many questions* on it...and I was already so *annoyed* with all the forms". SEERAD got her response via a follow-up telephone interview. I asked if she felt her contribution had been taken on board. She wasn't sure because "it's only one voice, isn't it? But I got it all off my chest about the form filling, and that was *really good!*" The exercise generated good will. This crofter also hoped they would simplify their administrative system so that "people would not be so horrified by it, because it's just frightening." Another issue she had been able to raise directly with SEERAD was the fact that she and her neighbour found it hard to get their subsidies because "they have refused us the quota because we 'were not qualified enough'. We have been working with sheep for over 20 years! They actually want you to have a management paper, saying you've *done a course*. If you get a piece of paper, then you have quota right away". She

was then successful after being supported by two officers from SEERAD in Edinburgh who visited Assynt and spent 2 hours helping her to fill out forms.

Forestry

The Trust was having a great deal of success with their objective to develop forestry resources. Six townships had converted common grazing areas to forestry by planting deciduous native trees since the buy-out. People felt that this had only happened because the community owned the land:

“I think, you’ve got to own the land so you can do what you want, because of the potential opportunities in the future, if the situation arises, you can just do it. The immediate one I think of is the woods – six Townships have done a woodland grant scheme, and for that you have to have the land owners’ permission. Now, I reckon the previous owner may or may not have given permission. Probably not, I would have thought, because of the disruption it would have caused. (He) could also have legally demanded all the trees, so people would have had no incentive to plant. As it is something like 9% of this place has gone under new trees in the last four years, which is tremendous” (Claire Bellshaw).

The areas were planted with grant aid from the Woodland Grant Scheme – operated by the Forestry Commission (FC) and the Farm Woodland Premium Scheme (FWPS) operated by SEERAD. Under this scheme crofters receive compensation from SEERAD for converting their common grazings, and financial support from the Forestry Commission (FC) for planting. Crofters can submit a joint application “which makes it much easier”. People would have liked to see reforms to improve this scheme – to improve the funding mechanism and make it easier to co-ordinate between the different government bodies.

The board member who gave the Townships support with their forestry developments had taken the funding issue up with the Community Land Unit “to see if would give us a loan for the remainder of the set-up costs, so our scheme could go ahead, knowing that we were guaranteed to get the grant, but they wouldn’t”. 70% of the payments are paid in advance, and this only covers part of the set-up costs. The remaining 30% is paid retrospectively five years later, a case of “show us the trees and we’ll show you the money”. This meant that several members of the common grazing committee had guaranteed their own houses to secure the loan for their project. They also got some money from the Highland Fund. This was one of the examples given of how the Trust could benefit from a more strategic management approach:

“The Trust should have thought a lot more about at the beginning – they could have put up the money and they could have employed a lot more local people – because they get the

money back, so they could have put the money up each time, for each scheme. Instead separate Townships were bringing in the same consultants to do studies for them, when they could all perhaps have had a more strategic effort” (Crofter).

Some people were concerned that the best land was not being allocated for forestry, because it was reserved for grazing. Most of these people also felt that the estate would have benefited from a more strategic approach – rather than township by township plantations. That said, people did feel that they were developing better and better experience in this field. When I arrived another Township was in the process of conversion. This time they planned to employ local people from Townships who had already gone through the process instead of hiring outside consultants, because “it would be money for them instead of external companies coming in here and taking thousands away. We can use our own people now” (Hector MacKenzie).

It was acknowledged as being a very long-term investment, but local people were very enthusiastic about their forestry. They were pleased about the potential profits for the Townships, and that they were creating a long-term sustainable resource for future generations. It was viewed as both an environmentally and socially beneficial land use. The Trust had also hired a member of the community to survey the estate’s existing native woodlands, with support from the Millennium Forests for Scotland Trust, (MFfST), Caithness and Sutherland Enterprise (CASE) and Leader II (an EU funding initiative). This survey found some important historical woods with ancient trees and evidence of silvicultural management as far back as the 16th century. The report mapped their distribution and growth patterns to help develop a management strategy for the future. Robin Noble, who conducted the survey, was confident that with further support from CASE and Scottish Natural Heritage amongst others, there was a great deal of potential in the existing as well as the new woodland resources:

“It’s *possible* that we could get into active management of all the woods, then we could actually create some jobs, we also have a local nursery, and there is a great demand for native tree species up here. Although we are very far North, subject to the four winds, and have poor soil, there are many old trees here and they are very vigorous, they are actually growing very, very well. So, we can learn a lot from these ancient woods” (Robin Noble).

His study also indicated that today’s climate is more favourable to native hardwood growth than that indicated by the last baseline survey conducted in 1774. His survey has found good potential and identified approaches to regenerating or reintroducing valuable native species like ash, aspen, birch, oak and alder. The next step for the Trust was to try and develop a woodland management project which would support “one or two jobs on the ground”. People with a specific interest in forestry felt public funding should be provided for this. This was because it would create a viable and self-sustaining resource in the long-term whilst supporting a broad spectrum of government objectives in

the meantime. These included woodland regeneration, habitat conservation, education, crofting and tourism promotion. Some of the woodland was within an SNH designated SSSI (Site of Special Scientific Interest), which increased the chance of receiving funding via a “positive management agreement” with SNH to enhance the resource.

Conservation and the Hydro Scheme

Of all the Trust’s ventures, the one that seemed to have the most potential, and correspondingly, involve the highest level of risk and hard work was developing a hydro scheme on Loch Poll. This fitted in with the Trust’s objectives to develop its income from natural resource management. It also fits in very well with national government objectives to encourage more renewable energy generation in Scotland. This highlighted another local perception of national level policy clashes. On the one hand the government has a clearly stated objective to decrease greenhouse gas emissions by 12.5% by the year 2010¹⁰, on the other, activities by SNH, other conservation bodies and “segments within the Scottish Office would seem to be equally as committed to obstructing this objective by blocking renewable energy generation on conservation grounds” (John MacKenzie).

The hydro scheme planning application highlighted complex dynamics between SNH and the local community on this and many other issues. The plan was simple. Loch Poll has a steep fall below it, and the Trust wanted to harness this natural attribute to generate electricity for sale to the national grid. They had developed a number of plans to mitigate any environmental impacts of the scheme. Then they came up against a “major problem”. The loch is also the summer home to a pair of internationally rare black throated divers. The North West of Scotland is an important breeding ground for these birds. At this time, this pair had not bred for over eight years. The problem for SNH was that the project would alter the level of the shoreline, and when water is dammed, the area between the highest and lowest tide becomes sterile. Black throated divers are aquatic birds. They can’t walk very far, so their nests have to be very close to the water – ideally within 3 or 4 feet. Any fluctuation in the shoreline can destroy their ideal nesting habitat. They can also only feed on a particular size of fish. Shoreline fluctuations may also increase the feeding area for fish, potentially increasing the average size of the fish, thus limiting the birds’ food source¹¹.

¹⁰ Department of Trade and Industry, 2002.

¹¹ Campbell and Mudge, 1989.

The birds are officially protected under schedule one EU regulations on species protection, so SNH was legally obliged to protect the pair by lodging an official objection to the planning application¹². The Scottish Wildlife Trust (SWT) and the Royal Society for the Protection of Birds (RSPB) also lodged objections. These organisations were frequently referred to in association with SNH as “the other conservation bodies”. There was a relatively widespread view that these bodies’ influence over SNH and national level policies affecting rural areas was too strong. Meanwhile, the World Wide Fund for Nature (WWF) helped to support the proposal. WWF was praised because people felt that “to their great credit that they were able to view the broader picture, rather than focusing narrowly on the individual species, they saw the proposals in the wider context of the overall environmental benefits of such a scheme”. As SNH was the only statutory consultee, getting permission depended on SNH withdrawing their objection¹³. The process became “horrendous”, it was “one of these long drawn out and messy planning applications” (Robin Noble, John MacKenzie). Discussions of this and other interactions with SNH reflected a very complicated relationship with the local community.

“Like most right minded people I think that what SNH do is all for the best, how could anyone in their right mind argue with conservation”? (Aileen Kinnaird.

Everyone strongly supported SNH’s overall objectives, but without exception, there was also criticism of the organisation. Criticisms ran from mild to indignant. Those who dealt with SNH most frequently tended to be the most frustrated with them. What emerged was a very strong distinction between positive perceptions of SNH’s objectives and a very negative image of the institution’s central policies – which were seen as too bureaucratic and out of touch with on the ground issues. Everyone shared the view that the natural assets of the landscape which SNH valued were equally valued by local people. SNH’s approach to conservation was described as “one-tracked” and “blinkered”. The focus on single species was viewed as an impractical approach to managing and maintaining the diversity of the local eco-system as a whole:

“They seem to be committed to a single species protection policy...I think they have got it wrong. Talking in pure conservation terms - our role should be to try to conserve or enhance entire habitats - then it is up to the species to make what use of them they can. I think *that* is the way round, the single species bit, it’s a complete nonsense. Protecting one species will have a knock-on impact on countless others...whenever we do get hung up on single species protection ultimately we make a mess of the natural balance” (Robin Noble).

¹² Natural Heritage (Scotland) Act 1991

¹³ The Scottish Office, 1999. (NPPG 14: Natural Heritage).

Crofters felt they had valuable knowledge to contribute to local conservation issues, but SNH did not recognise this. In the long run everyone had the view that local communities were being penalised by restrictions designed to protect the very environment they had preserved through generations of careful husbandry. Instead of recognising the local community's potential to support conservation activities SNH was criticised for engaging with the local community in an "adversarial" way. People felt they were required to "jump through hoops" to overturn objections and get permission from SNH for "even the most minute" plans. This was the key to local resentment of SNH's role in the estate's management. The regulatory burden on local land users was felt to be too high, and dialogue with the local community on management options was not good enough. There was a common and very strong feeling that any consultation carried out by SNH was not genuine, instead people felt that results were "already predetermined in Edinburgh".

One example was given of a "so-called consultation exercise", which illustrated why local people might think that SNH was not influenced by the results of consultation. A local crofter recalled a statement put in the papers by SNH after a meeting he had attended "to the effect that they hoped that the crofters had learned something from the meeting. I was really angered by the way that it was put". This was a meeting with SNH on EU designations. It was attended by local crofting representatives from the Township Grazings Committees, SNH representatives, and an EU representative who was there to explain the designation system. Afterwards, SNH circulated minutes of the meeting. However "the minute in no way reflected what had been said at the meeting, *no way* reflected it, it was very weak and watered down...there was *nothing* in the minutes, to indicate how *opposed* the crofters at the meeting were" (Crofter). The crofters refused to accept these minutes, feeling that they would be "passed up the line to the hierarchy" giving the false impression that there was no real opposition to the proposed designations. Eventually SNH produced a satisfactory minute. This episode highlighted a general dissatisfaction with SNH and other government agencies' consultation processes. The following comment sums up this feeling that agencies worked too much *against* and not *with* the local community, who nonetheless had a right to take more control over policy implementation in their area:

"I think that's a reasonable attitude to take, after all, we are the people who live and work the land. We can't be fairer than that, to say (to SNH) why don't you sit down and tell us what you are concerned about, and we will see what we can do, we want to help you. But they don't want to work on those terms. Well, that's why people say on the ground you know, it's very much **them and us**, they (SNH) don't want to get too close" (Crofter).

Another problem identified was that the only route for a community to successfully challenge SNH is if their submission is acknowledged as a "scientific objection" – e.g. an objection to the ecological arguments used by SNH and not an objection made on purely economic or social grounds. Local

people felt that this limited their ability to engage in joint decision-making with SNH. Others felt that it contradicted SNH's official remit to account for social and economic factors in their decision-making processes¹⁴.

“When you are trying to deal with SNH, one of the difficulties is that some one like me or any average individual has no scientific background. This expertise and knowledge largely resides within the domain of the (conservation) bodies, and when this is ranged against us, it is extremely difficult for individuals, who are not professionally tutored in ecological matters, to engage with them on these issues. We come at it in the simple broad, crude, fashion: this is an opportunity for this community to enhance its future prospects by utilising an asset which is continually being replenished and we are convinced that we could do it without detriment to the natural environment” (John MacKenzie).

When I left Assynt, consultation over SNH's proposed designation of seven lochs including Loch Poll as SSSIs was ongoing. A solution had already been found to the hydro Scheme situation. There were two key factors that the community felt had lead to success in overturning SNH's objection. The first was the role played by SNH's local area officer. This officer was regarded by all with the utmost respect and admiration, no matter what people felt about the organisation. He was credited with understanding and – crucially – respecting local knowledge and views; and with trying to reconcile these with his organisation's central policies:

“Yes, his role was critical. If the Crofters wanted it, he wanted it to succeed. At the same time he had a duty to wear his SNH hat, and he went to great lengths to try and marry the two, so that everybody could get a slice out of it, everybody could come out of it feeling that they had got something out of it...” (Kenneth MacKenzie).

The second influential factor was the Trust's own lobbying on the issue. This strategy was masterminded by John MacKenzie, their Chairman. Having failed at first to counter SNH's objection on scientific grounds, the only other avenue open to the trust was to apply to the Secretary of State to call a public hearing. They were put off this option because they “just didn't have the financial resources to sustain that course of action”. Therefore, they concentrated on “bringing SNH to a process of dialogue, rather than being confined to this sterile process they had been engaged in”. The Trust also “pulled as many strings as they could find”. This included raising the issue in the local and national press; writing a series of letters to MPs and the national media, and using their network connections to have the matter represented directly to MPs, and the Scottish Office. When they were told by the Scottish Office that there was still no hope of a round-table dialogue with all the agencies concerned, the Chairman of the Trust wrote directly to Lord Sewel, copying the letter to two Highland MPs, Brian

¹⁴ SNH's remit is primarily environmental protection, but it is obliged under the Act to “encourage environmental sustainability in all forms of economic activity”. (Natural Heritage (Scotland) Act 1991).

Wilson and Robert MacLennan. It worked. “Within a fortnight the Scottish Executive were making arrangements for Lord Sewel to visit and within a fortnight of his visit, we had a meeting with SNH, SEPA and the Highland Council Planning Officials”. This led to planning consent on the condition that SNH and the Trust run a joint monitoring project. Lord Sewel’s “shot across their bows” (Kenneth MacKenzie) was seen as “literally forcing SNH to come to the discussion table” (John MacKenzie). Most people saw this as a positive outcome. They also hoped it would be used as a model for SNH to “take a more open approach” to engaging with local communities over management issues:

“There’s room for more improvement (in their relations with local communities), but, I think, SNH is learning, and they are consulting much more with the people on the crofts, the people who are working the land, I think they are getting much, much better” (Kenneth MacKenzie).

Land Reform and the Community Right to Buy

The Assynt Crofters’ Trust received the consultation papers for the four key stages of the land reform policy process. The Scottish Executive also held a meeting in the local area, informing local people about the land reform proposals and inviting them to give their opinion. As community land owners, it is not surprising that the people who helped with this case study of the North Lochinver Estate were amongst the most knowledgeable on the draft bill. Everyone I interviewed had strong views on the subject. They felt that reform was long overdue, and were encouraged that the new parliament was tackling the land question.

For everyone I met, land reform meant reforming the land tenure system to increase local development opportunities for communities - much in the same way as the Assynt purchase had opened up new opportunities for their own community. A good number felt that one positive result of their own buy-out would be that the population would go up. In general terms people felt that if land reform was successful in increasing local development opportunities, then the trend where “young people have always left areas like this” would be reversed because “it looks like the time is coming when you will be able to get land.” Local hopes for land reform were related to deep concerns about providing incentives for younger people to live on the land and create better opportunities for them to make a living. In their analyses, these types of incentives were heavily dependent on access to land. Given the long waiting lists and lack of available crofts in the area, land reform was seen as a critical step towards encouraging population retention and development in remote rural areas:

“Oh, there can be no question about that, I think it speaks for itself, if people can’t get access to the land, you *can’t have* a population on the land. At the moment a crofting tenancy is the *only* way people can get access to the land, so for me there’s no doubt that some people *will*

see land reform as the only chance they have - oh aye, there's no doubt - to build a future for themselves. No, I think it's very important, right now crofting tenancies are the only thing that *anchor* people in rural areas, give people a chance to anchor themselves there and build a home and develop whatever enterprises they have in mind, and there is a great need for that (land reform)" (Allan MacRae).

One Director had actively followed the proposed changes. He had provided detailed responses on behalf of the Trust to every stage of the consultation. He was becoming "disillusioned" with "the interminable process of consultation and discussion". This was because after each round of consultation he felt the proposals became less likely to make a real difference. He was not impressed by the proposal to give communities a pre-emptive right to buy within six months: if they had an officially constituted community group and could prove community-wide support; and if they had pre-registered an interest and developed a viable management plan for the land. The conditions attached to this proposed right didn't impress very many here. A number of people pointed out that if the proposed legislation had been in force when they were trying to buy, then they couldn't have done it. The catalyst for their purchase was the land being put up for sale because the owner had gone bust. They did not know about the sale in advance, and until it happened they thought it was very unlikely the land would be sold, so they might not have pre-registered an interest. People also felt that they couldn't have rallied local support to pre-register *and* develop a management plan on the off-chance that the estate might one day be sold.

Most people who discussed this issue felt that the proposed community right to buy set up too many hoops for communities to jump through. However, some members of the community did feel that a feasibility study and management plan was a sensible condition for land purchase. However, the opinion was that *all* prospective owners should have to produce a viable plan setting out how they would manage land they hoped to buy. The plan should take account of their socio-economic and environmental impacts, and clearly demonstrate positive benefits for local communities:

"I think it's a very good proposal that the community should really have to *think about it*, about how they are going to work it. Yes, I think it's a very good idea, but I think private land owners who want to buy a piece of land should have the *same* rules, definitely" (Ingrid Ritchie).

Whilst the proposals were "a step in the right direction", there was also unease about other aspects of the bill. The proposal to give crofters the right to buy common grazing lands was welcomed, but only so long as the sporting and mineral rights were included. At this stage the proposals did not include these rights. One crofter felt that there should be no question about it: "we already have the use of the land agriculturally. There would be no advantage if they didn't have all the other rights that go with the

land, none at all. Those rights are valuable things you see, and the land owners own them at the moment, and they don't want to give them up..." There was a suspicion that the final bill would be heavily influenced by the "landed lobby" which was seen to be "very powerful behind the scenes". Although it was late in the day, the recent proposal to set up a community land owners' organisation¹⁵ was described as a "meaningful antidote to the activities of the Scottish Landowners Federation in terms of the Land Reform legislation". In addition to this influence, one self-confessed cynic strongly felt that the Labour party had only included land reform in its manifesto because it was a "good vote winner"; and that there was not enough genuine political will for reform across the Parliament and this might take the bite out of the final Bill. Although MP Brian Wilson and some members of the Scottish Parliament, including MSP Roseanna Cunningham were praised for their genuine commitment, some local people were still to be convinced that there were "enough idealists in the Scottish Parliament to make *real* reform".

What did people mean by *real*, *genuine* or *meaningful* land reform? More radical critics of the current proposals felt that the proposals didn't go nearly far enough to tackle the barriers to rural development and population retention. One line of argument was that the best quality land was cleared during the 18th and 19th centuries. As a result, today's communities live on the most marginal land in the Highlands. In this view, reforms need to be far more radical to alter the pattern of land ownership in the near future:

"You know when you talk about land reform, if you travel throughout the Highlands, crofters were put, are on the poorest of the land, and the government don't need to be that surprised that crofters aren't falling over themselves to buy that land. Really, if you are talking about *real* land reform, you've got to look at the question of the *redistribution* of much of the land that was taken from the people in the past, if you're talking about *real* land reform..." (Allan MacRae).

There were also those who felt that the proposals were unlikely to tackle the land-based barriers to rural development for other reasons all together. Some people felt that, whilst land reform was necessary, the focus of the reforms should go much wider than simply trying to make it easier for communities to buy land. Instead they felt that what was needed was an overhaul of the framework for regulating land use and administering development funds. About half of the people who helped with this research in Assynt felt that the community right to buy was unlikely to have a big impact. This was partly because not all communities would want to take on the responsibility and hard work involved in owning and running their own estate. The local feeling was that communities shouldn't *have* to buy

¹⁵ The Community Land Action Group (CLAG) was set up in June 2000; two years after the consultation process began.

land to have access to more sustainable and viable development opportunities. Instead, the government should focus on legislation that would give all communities an automatic right to land-based development opportunities:

“The proposals are not really addressing the key issues, and the key issue is *not necessarily*, and you might be surprised to hear this, I don’t believe necessarily that land *ownership* is the key to this...if we had a properly legislated framework for rural land use, there would be much more hope. It shouldn’t matter *who* owns the land, be it a private land owner or a public agency, or a community body such as this, at the end of the day land is an asset that *must be* available in one form or another to the local community, to enable rural economic development to take place and if it isn’t: it *won’t*” (John MacKenzie).

Reforming the wider regulatory framework for land use and local development was as necessary as land reform to overcome some of the development hurdles local people faced. For example, there was a common feeling that large land owners had too much control over development on their estates. The strong influence of the Vestey family on planning applications in the area was mentioned by several people. There was also discontent that local people needed more access to land for a variety of uses or for housing, but that the owners of large, neighbouring estates pursued “policies of not-for-sale and non-development”, common examples given were knocking back planning applications and “not making so much as a square inch of 70,000 acres of land available for local people to make a living from it”. People felt that the lack of economic opportunities in the Highlands was partly due to the enormous size of some of the privately owned estates which meant that there are “huge areas of the highlands where it is just, just *dead*”. It was not clear if the current proposals would or could achieve much to overcome this problem.

Aside from reforming the planning system and breaking what was seen as large land owners’ monopoly on viable land, government agencies were fielded as very strong candidates for reform. People were unsure if the new proposals to improve standards of public consultation would actually make any difference. One suggestion was that the agencies should be encouraged to work together when it came to community development initiatives. Some agencies are seen by local people to have contradictory agendas. This leaves local community members with the job of trying to co-ordinate between the different agencies to find a “middle line” acceptable to each different arm of government:

“It is really frustrating when you find that you have got to talk to so many different people to do something that is really very simple. There are too many organisations impinging on what crofters can do or can’t do, or anybody else, anybody on the land. There’s so many organisations that you have to run around and then jump over to get anywhere” (Kenneth MacKenzie).

There were a variety of opinions and accounts of local political (and sometimes personal) struggles over decision-making in Assynt. At the end of the day, all bar one thought that the community owning the estate was much better than the situation they had before. The one person who regretted the purchase felt that the Trust was riven by too many different agendas, with the most domineering members of the board steering decisions. One or two others also saw this as a disadvantage, but still maintained that they were better off with community land ownership. The main reason everyone else gave for preferring community tenure was that there was much more opportunity to pursue very diverse local development initiatives. Some people felt that owning the land meant that community members were more willing to put considerable expertise, effort and their time into new ideas and opportunities – from heritage restoration to reforestation, because they would have a stake in the outcome, or their children would.

The final perception was that the Assynt Crofter's Trust, as the land owner, shared the broad development interests of the local community, and was therefore more supportive than a private land owner would have been. Local people were sometimes sceptical about the power of the proposed land reform bill to remove all of the land-based barriers to rural development. They felt that in addition to reforming some aspects of the tenure system, there should be stronger obligations for government agencies, and incentives for private land owners to improve their impact on local socio-economic development opportunities. In short, not all communities should have to buy land to get access to development and decision-making. Until that happens, and in conclusion, Aileen Kinnaird captured this community's complex analysis of the land question:

“Basically, now I don't know, if SPS or Vestey had still owned the land, what would it matter? So long as the land is used and worked properly for the good of the people living there...but right now it is only when the people themselves are empowered to take control, empowered by ownership of the land to take forward their own development can we have *really* viable communities. It's an emotive issue, but the feeling is, ultimately if you've a landlord, there could be some opportunities or ideas that crop up and the landlord will just say no. Now, in our situation, we know that our landlord will always say: yes, *with encouragement*, if they can, because we *are* the landlord” (Aileen Kinnaird).

CHAPTER 6: Case Study 3

Local Participation and Community Development Opportunities on the National Trust for Scotland's Glencoe Estate.

Introduction

The conflict between the local community and the National Trust at Glencoe caught my attention because the Trust is keen to promote a benign public image, and, on the whole, it succeeds. So it was surprising – to me at least – to find them in a highly publicised pitched battle with the local community, represented by the Glencoe Action Group, over their proposal to re-locate their visitor centre further down the glen. One of the Scottish national newspapers told me they had received information accusing the Trust of planning to take “helicopter gun-ships to wipe out the red deer of Glencoe”, and of desecrating the sight of the Glencoe massacre. The newspaper in question had not printed some of the wilder accusations, but the national press did cover the Glencoe Action Group's more sober claims that the Trust's proposal to move and expand its Visitor Centre would damage the local economy. During my masters research the National Trust was one of the most open and helpful organisations I came across – giving me unlimited access to all of their records. This point was also made by one of most strident anti-trust community members I met in Glencoe, who said that the Trust was by far the most open and accessible when it came to freedom of information of all the conservation bodies:

“I think in some ways the national Trust they are much better than the other bodies like SNH, the RSPB and the John Muir Trust, in that they are much freer with their information, but the minute they get heavy trouble, they pick up this big stick and they try to intimidate you”.

Despite their relatively good record for being open and transparent, this conflict had already led to accusations of cover-ups and dishonesty on the Trust's part. From its side, the Trust had accused the Action Group of “libellous” and “blatantly political” representation of the conflict to the Petitions Clerk¹. Glencoe was a good candidate for a case study. It was an opportunity to see how local interests are affected by land owners whose objective is conservation. This case study outlines the main areas where local people felt the Trust's ownership had had the most impact, these included employment; housing; crofting; forestry; conservation and the local community's

¹ Submission to the Petitions Clerk by Kirsty McLeod, member of the Glencoe Action Group; and Response to Petitions Clerk by Roger Wheeter, Chair of the National Trust for Scotland.

access to and control over decision-making about land management at Glencoe. The final section covers the proposal to relocate the visitor centre. This study reveals a history of poor communication between the Trust and the community, and that there were very few opportunities for the locals to be involved in the Trust's management of the Glen in the past. This lack of communication was partly responsible for the confusion amongst the local community about the Trust's plans and activities. It all came to head when some local people decided to oppose the planning application for moving the visitor centre. Regardless of whether they had joined the Glencoe Action Group, by far the strongest source of disappointment for local people was that the National Trust had reneged on a promise to include space at the visitor centre for local *education and awareness* activities. I also found that the Glencoe Action Group represented the full range of local community views but it also represented a wider, *community of interest* whose agenda was to limit what they saw as conservation bodies and government agencies "stranglehold" on local economic development in the West Highlands.

The Land

"Glencoe...is the most majestic and the most dramatic of all Scotland's glens - a rich mix of brooding history, glistening rock, soaring buttresses, and towering peaks, which are usually hidden from view under constantly shifting veils of mist".²

The 14,035 acre estate at the heart of Glencoe is one of Scotland's most well-known and spectacular mountain areas. It was also the first mountainous area to be owned by the Trust, which acquired the land with the help of the Scottish Mountaineering Club (SMC) in 1935³. Reconciling mountaineering, conservation and modern pressures on its wild land has always been a challenge for the Trust.

During the 1930's SMC members began to explore the possibility of creating war memorials for mountaineers by purchasing wild land for conservation and to make sure the public had unlimited access. The SMC's then vice-president, Percy Unna played a big part buying Glencoe for the Trust. He organised successful appeals for funds from SMC members, and personally pledged a generous sum towards the cost of this, and later land purchases for the Trust. This means the Trust's management of the land is still subject to the conditions set down by Unna in the 1930's – now known as "Unna's Rules". When he listed them in a letter to the Trust's Chairman and Council in November 1937 he referred to them as "the views of the subscribers"

² The Guardian, 18.11.2000

³ All information related to the initial purchase and "Unna's Rules" in Press and courtesy of Crocket, 2000 and Pers. Comm. Derek Warner, Land Manager, Glencoe.

(mountaineers who had helped buy the land). He stipulated that the land “would be held on behalf of the public” and asked the Trust “to undertake that the land be maintained in its primitive condition for all time with unrestricted access to the public.” The ten-point list of rules set out a minimal and non-interventionist approach to land management, including no signposts, paths, bridges or anything else which alters the land’s natural state. The Trust has been soundly criticised by mountaineers who felt it broke Unna’s Rules by building the original visitor centre at an intrusive spot high up the glen in the first place; by providing paths to protect the area from damage by the large number of walkers who visit the area; and by building bridges to protect walkers from the dangers of fording steep gorges and fast flowing rivers.

Glencoe is geologically important. It was formed by a single volcano collapsing in on itself after a series of eruptions; the glen was then carved out by glaciers. It is internationally renowned for its arctic alpine flora, rare fauna and indigenous woodlands⁴. The place also holds a tragic place in history as the site of the Glencoe infamous massacre of the MacDonalds by the Campbells in 1692. The Campbells used the MacDonalds’s hospitality to infiltrate the community and murder many of its members as they slept⁵. The Glen’s place in history owes more than this to the MacDonalds and the Campbells. Before the massacre they had long feuded over cattle and land. Folklore from this era includes tales of the MacDonalds hiding cattle rustled from the Campbells in a secret hiding place, now known as the lost valley. Getting to the “lost valley” involves a long, rocky climb to a “hanging valley” or meadow over 1000 ft above sea level circled by the sheer walls of Gear Aonach, Beinn Fhada and Bealach Dearg. These pitches rise for hundreds of feet on all sides, and it is hard to imagine how you would drive cattle up there.

This blend of geographic, mythical and historic interest attracts tourists from all over the world. The Trust has prioritised conservation and tourism over the traditional use of this land for cattle, and later, sheep and deer. The Trust has deer-fenced much of the estate to protect seedlings from grazing animals and let natural fauna and trees flourish. Although the Trust still rears livestock on some of the lower land, the original crofting leases have all but disappeared since the Trust took over ownership. This has been criticised by those who feel that the community has gradually lost more and more of the economic benefits the land once gave them (Retired Crofter).

⁴ The Guardian, 18 November 2000.

⁵ <http://www.macdonald.com/glen1.html>

The Land Owner: The National Trust for Scotland

The National Trust for Scotland (NTS) owns 127 properties in Scotland. These attract over 1.5m visitors a year⁶. It gets its income from legacies, membership and commercial trading. Its annual income is around £31m, with 19% drawn from membership subscriptions, 15% from Legacies and Donations, 34% from Commercial Activities, 14% from Interest on Investments and 18% from Grants/other income⁷. The Trust's management structure is fairly complex and subject to unique government legislation created especially to regulate its activities. Legal responsibility for the Trust's management lies with an Executive Committee, elected in accordance with The National Trust for Scotland Order Confirmation Acts 1935 to 1973. The Executive Committee is accountable to the NTS council. It oversees various sub-committees who carry out the Trust's management. These include Regional Committees, the Finance Committee, the Chief Executive and Management Board, the Enterprises Board, the Risk Management and Audit Committee; and Specialist Committees who are responsible for buildings, gardens, curating, and countryside and nature conservation. With Acts of Parliament specially designed to regulate its activities, the National Trust for Scotland enjoys unique legal status and is a very proficient and (with a recorded profit of £1.5m in 2002) profitable institution. The benefits to Scotland's built and natural heritage are clear. The Trust is well placed to lobby and influence parliament in the interest of conserving our heritage, and employs a range of highly qualified professionals, and a high number of public volunteers to help it meet its four, core objectives:

1. *Conservation* - we aim to improve the conservation work at our properties and to develop the principles that underpin this work.
2. *Enjoyment and Education* - we aim to increase visitor's enjoyment of Trust properties and to generate income for conservation work by developing our visitor facilities and education programme.
3. *Influence and persuasion* - we aim to raise support for conservation and to increase our membership by promoting wider awareness of the Trust and greater understanding of its work.
4. *Organisation and Resources* - we aim to become an increasingly well-managed organisation through training and development, effective use of funds and additional income generation⁸.

⁶ National Trust for Scotland. Annual Report 2003

⁷ Ibid.

⁸ National Trust for Scotland. Annual Report 2002-2003

On the whole, the employees I met were very pleased with their jobs at the Trust, at least when it came to the locally based management up on the property. This was reflected in the supportive and relaxed atmosphere in the estate office at the Leishman centre. The National Trust based in Edinburgh was not so popular. Locally based employees saw disadvantages in the committee system and the Trust's strong profit-making bent. Staff frequently mentioned that they thought "the Accountants" or the "Money Men" had too much influence on decisions. The committee system made internal decision-making "cumbersome". It left staff working on local properties out of decision-making. Because their views were not taken on board through the committee system, some staff felt that wild land management issues were not understood or prioritised by the Trust in Edinburgh. There was also a common feeling that the Trust invested less in local employees than centrally-based staff. Committee decisions were "sent down" to the properties, which made it harder for local staff to involve local communities in decision-making, or get local support for their work.

One example of this was how the Trust had made and communicated its decision to wind up the company pension scheme. "We were informed: *this is what is happening*. There was no involvement or negotiation with any staff". Situations like this led one employee to comment that "the Trust really does behave like an employer of the 1800s". The problem was worse when it came to seasonal employees. Local staff felt that seasonal employees' work was the backbone of the Trust's successful visitor attraction business. Although relations on properties were "pretty good, pretty reasonable", local staff felt that "property-based" relations were too limited by central policies and approaches to local staff management. This, together with low rates of pay for seasonal staff, weakened the Trust's chances of retaining the best quality staff – as new generations of workers would be looking for "real work, not just a top-up". This point was made by Trust staff and non-Trust staff alike. Some felt this made Trust the worst performer by comparison with some other local businesses when it came to their seasonal staff:

"In all the work that the Trust does, the workers at the coal face – are those with the least amount of respect from the Trust. There is no real welfare set up. If a Trust employee - who could have been working season after season for years - has any kind of personal problem, it is dealt with on the property. While that's nice, and it's the way it should be, there is no supporting national framework or policy. Seasonal employees have no representation on the Safety Committee, or the Welfare Committee. They are not even being thought about for the Investors in People programme. They are being totally ignored. The Trust is investing in the wrong people - when you are building a house, you start with the foundations, and our seasonal workers are the building blocks of everything the Trust does. Instead they are under-represented, under-paid and there is no commitment to their training" (Trust Employee).

The Trust provided a total of 8 full-time jobs on the estate. This included a land manager, an office administrator, a ranger, a shepherd, and a team of four volunteers and trainees. 4 full-time and 11 seasonal employees were employed to run the small shop and very basic snack bar, and to give information to tourists at the existing visitor centre. There was also a full-time Conservation Management Trainer based in the Glencoe office. He ran a training and development course for two trainees brought in under the government's New Deal scheme. This position was recruited and managed initially by the central office. Management responsibilities were later transferred to the Inverness office, "but nobody ever saw either of them, so de facto management and support comes from the Glencoe office". The quality of training and time invested in these two trainees was exemplary. Both of them were extremely positive about the scheme. They felt they were getting good experience that would really increase their employment chances in the future (New Deal Trainees). The Trust also employed local people "wherever possible" to work on specific conservation projects, path-building, forestry planting and general maintenance on the estate.

Some local staff felt the Trust should be providing far more jobs on the Estate. This was connected to the general feeling that the Trust did not allocate enough funding to its wild land properties because it wasn't a high priority in Edinburgh:

"...if Glencoe were a garden it would have a team of gardeners to look after it, when you look at Arduaine for example, if you look at the number of people it's got visiting it, and you look at the number of people it's got doing the job and then you compare it to us and the number of visitors we've got, and the kind of jobs that we need to do...it might tell you something" (Trust Employee).

Local people also listed disadvantages of having the Trust as a Land Lord. These included their "massive commercial marketing power" or "strong brand name", and to its close ties to government agencies and influence over national level policy-making processes. People thought all this worked against the local community – both economically by impacting on their businesses, and environmentally by determining national level policies and controlling all activities in the Glen. One point raised by about half the people I met was that the National Trust should provide them with information about how much of the money made from visitors to Glencoe is actually reinvested in the area, and how much goes to the central office in Edinburgh. Three residents mentioned that this had been raised at meetings between the National Trust and the local community. They were disappointed because the Trust had never responded. The National Trust's investment of £14m in its new headquarters seemed to have become a focus for resentment about their spending priorities for staff and in the local community.

Housing

In common with many large land owners, the Trust provided tied accommodation for four of its full-time staff. Two trainees (one was a volunteer) also lived at the Leishman bothy, which is used as a bunkhouse for students, school kids and volunteers. Here, as in all my case study areas, housing availability was identified as a very big problem, which limited local development opportunities. It was a barrier to low-income or younger people staying on in the community. Therefore, tied housing was given as a strong benefit of working for the Trust. Since this time, the Trust has reduced the number of tied houses and has begun to convert the houses for holiday lets. Some local people thought the Trust should prioritise local housing needs over income from holiday houses, because young families were being priced out of the local housing market:

“Most private housing here is being bought for holiday homes or by middle aged and semi-retired couples, they have had a career elsewhere, they are not investing anything else apart from themselves in the community – and that’s what’s missing. So, what you are *not* seeing is young families returning or young couples marrying here, settling down here, working here. For a number of reasons - one is that there is no affordable housing; secondly there is not enough decent quality employment because you don’t get good quality or sustainable jobs from tourism. These problems all mean we are not keeping the people we should be encouraging to invest into local communities.” (Resident).

Local Employment Opportunities

Everyone who helped me with this study also brought up the issue of the poor quality of jobs in the area. The closure – after 300 years – of the Ballahuilish Quarry in 1995, followed by the gradual running-down and eventual closure of Alcan’s aluminium smelter at Kinlochleven in June 2000 had reduced the number of jobs available locally. In the aftermath of these closures, the main source of local employment came from the Tourism industry:

“...we lack an agricultural and mineral tax base. We don’t have a great deal of good arable land, even the grazing land is very, very poor in the West Highlands, and it always has been. Indeed, certainly before Dr. Johnson’s time people have been coming up here to look at the scenery, we’ve had that sort of tourist economy for a long, long time now” (Community Councillor).

Every single person I spoke to said that this high dependence on tourism was a disadvantage for the local economy. Jobs in Tourism weren’t very attractive. Maintaining a viable community relied on the availability of higher quality jobs, which meant that “any youngsters with qualifications or ambition have to go away”. A local community councillor explained that whilst unemployment in the area was “under 3%, the quality of most employment is poor”. In this

context, the land manager at Glencoe felt that one of the most positive impacts of the Trust's ownership of the estate since 1935 was that it had provided a steady source of employment in the area:

"The Trust has provided long-term sustainable employment. In terms of the local community and the people down in the village, it's also provided employment for them through contract work for generations. Fencing work, foot path work, painting, general maintenance, and, that is the work that is increasingly done by contract rather than by employing a full-time maintenance team" (Land Manager, Glencoe).

His views were not universally shared. Some felt that the Trust favoured "outsiders" over local people for the best positions. A few people drew my attention to the fact that all of the full-time jobs at the Trust had been "imported". The Trust did not interview any local applicants for the Head Ranger's job, which was a source of resentment. Likewise, although people said there were an awful lot of local people well qualified to look after sheep, the Trust had recently recruited someone from outside the area to take on the full-time Shepherd's position. I raised this issue with Trust. It was explained to me that there was a lack of suitably qualified people, which made it difficult for the Trust to recruit locally as it "has a duty to employ the best people for the job not the first people who apply for it or just the local people". This employment policy also related to protecting the Trust's interests and following its objectives for conservation management:

"The Trust would be happy to employ a local person if they were suitably qualified and it could be assured that the post-holder would be able to meet the Trust's financial and management aims and objectives for the property" (Land Manager, Glencoe).

Crofting

Since the Trust took on the estate in the 1930s the number of crofting tenants has dwindled. The policy of not renewing crofting tenancies was not popular because people felt that the land could have supported more local livelihoods, and provided more housing. Trust staff acknowledged that their policies had reduced employment opportunities in the agricultural sector, but did make the point that conservation land management also created a good number of alternative and well-paid jobs for "highly qualified people". They also felt that the loss of more traditional jobs was inevitable. "Regardless of who owned the glen or ran it or looked after it, the type of job that has fallen away - particularly shepherding and farming - would have gone anyway...whether it be a private owner or the local council or historic Scotland". However, this view was not shared by everyone I met:

“On the land use side...we are *not* in favour of this conservation type land use - *policy* is the right word - that the Trust are pushing in conjunction with all these other bodies. It doesn't provide Highland people with *proper*, meaningful, full time jobs. It doesn't make proper use of the land and the skills base that we have here, which is livestock husbandry, and things like stalking and gillying and I don't think that we should be ashamed to say, well that's what we are good at. We *can* use the land in a productive way to look after the wildlife and the landscape *and* provide us with jobs...Our jobs in the farming and crofting economy, which are just being whittled away” (Member, Glencoe Action Group).

Trust employees were well aware that some local people took this position on the debate about conservation versus local livelihoods. The Trust's position was clear. In the current agricultural climate “we would question whether conservation is not delivering in terms of jobs - we are providing good alternatives”.

Conservation Forestry

When I stayed at Glencoe, one of the main conservation projects underway was a Millennium Forest project. The aim was to control grazing to promote natural regeneration of native woodlands and protect rare flowers. The Millennium Forests for Scotland Trust provided half of the £364,000 cost; the rest was funded jointly by the National Trust, grants from SNH and subsidies from the Scottish Executive - via agri-environment schemes such as the Countryside Premium Scheme and Farm Woodland and Grazing Management projects. This project pulled together up to nine separate schemes. This collection involved a combination of planting, deer-culling, deer-fencing and stock management, to preserve or encourage existing stands of trees. These included “retrospective funding” to recover the cost of fencing done jointly with a neighbouring land owner, and the cost of bringing sheep off the hill and managing them more intensively on the National Trust's own in-bye.

Specific projects included fencing and stock management to safeguard Alder on an SSSI (Site of Special Scientific Interest) which was dying out because of grazing under the trees; to safeguard a rare stand of Arctic willows at the top of Meal Mhor and to protect and encourage an ancient remnant of Caledonian pinewood. As a “spin-off” from these projects, it was anticipated that rare flowers – such as the saxifrageous – would also benefit from less grazing by sheep and deer. Ironically, I was told that Saxifrageous had disappeared from one well-known spot after the fences had gone up. Local people thought this was because the Saxifrageous depends on grazing to regenerate its seeds. Other measures to conserve bio-diversity included building footpaths along the side of the A82 from the Clachaig junction to the Piper's lay-bys, and

restoring parts of the old military road. These would provide safe, paved routes for walkers and protect the landscape from erosion by keeping them on a single pathway.

The National Trust felt that it had carried out due consultation with the local community over its forestry project. Despite the fact that they *had* carried out a survey of local and visitors' views on this forestry project, almost all of the non-Trust participants either said they had no information about it; they had had mixed messages about it; and/or they felt that their views were not taken into account following consultation about the planning and implementation of this work. Discussions about this scheme unearthed frustrations about the lack of opportunity to influence decision-making with the National Trust or the government agencies, Scottish Natural Heritage and Forest Enterprise. Discussions about the forestry project illustrated a common theme in relations between the Trust and the local community. The words *misinformation* and *misunderstanding* were used over and over again to describe the behaviour of the Trust and some local community members. One member of staff thought local opposition to the Trust's forestry policy was oiled by "a deliberate policy of misinformation" by certain individuals:

"....who either don't agree with the Trust, or with what the Trust is doing. The forest regeneration has been happening already, it has been happening for the last 20 years, the Trust would just like to see it accelerated slightly. When you explain *that* to people who have been misinformed that we were going to cover the place in commercial plantations, then they understand" (Trust Employee).

Discussions about forestry certainly brought up a crazy range of ideas and confusion about what the Trust was doing and why it was doing it. Estimates of how much the Trust had received in grants and subsidies for conservation forestry were put at "£7m", "£5m", "£2m with £200,000 per year for maintenance" to "£200,000 in total". There was consensus about one thing though. There was a very strong belief that the whole forestry project was driven by SNH: "they are only embarking on these woodland schemes because of the very generous grants SNH has for them" (Resident). Criticism of the Trust's forestry policy was also driven by differences in defining "conservation" and in pinpointing what exact historic point in the landscape's evolution should be used as the starting point for conserving the existing environment. For example, one resident felt very strongly that the anthropological history of the area should be conserved by prioritising grazing over forestry so that the glen didn't "lose its natural and historic character", and to provide jobs "on the land" for local people. Another local person was worried by local Gillies' estimates of the impacts of the Trust's deer culling; as they thought that the deer should be conserved not shot (the forestry related grants came with a condition that the Trust had to keep deer off the areas targeted for regeneration):

“...they are up there shooting the deer just now, and they are supposed to be a conservation body. Their way out of it is that they are keeping the numbers down, but you go and speak to some of the Gillies, they will tell you something very different...they reckon the Deer Commission put the figures in too high this year...and that if they shoot all the deer that they are supposed to shoot, then in five years time 10 years’ time there won’t be any deer left” (Member, Glencoe Action Group).

Other residents were more worried about visual impacts in years to come; they felt trees would make the view “boring”, and take away from the “natural majesty” of the Glen. Yet others opposed the Trust’s forestry work because it would compromise the Glen’s ecological value as an example of a “glaciated glen”, which shouldn’t have any trees in it. Local place names like Coire nam Beith – meaning Hill of the Birches – do indicate that forestry has been part of the Glen’s natural history.

Suggestions from local people about how the Trust could have involved the local community more effectively in its forestry project included the following:

- Carrying out a survey *before* the plans were too far down the line, to enable local people to become involved at the planning stage rather than commenting on a full set of plans;
- Circulating the survey amongst the local community in the first place. Not all residents knew a survey had been done.
- More accurate wording. One resident felt that they had all been misled by the question: “Would you like to see more trees in the Glen?”, but were not provided with information about the full scale of the proposals;
- Producing a sequence of virtual images of the glen for up to 6 decades and making them more widely available rather than drawings which were “crude and gave no concept of what it was going to look like”
- Demonstrating that views and opinions had been taken into consideration – although the Trust *did* make changes to their plans in response to local consultation, there was still a strong contingent of people who felt that local people’s input had had no effect on the final project; and
- It was also suggested that the Local Planning Authority should be consulted on any major proposals to alter the visual appearance of the glen.

Habitat Conservation

Local people also gave me a very mixed bag of opinions about the Trust's general approach to conservation. Staff felt that the conservation work was having "quite a dramatic" and very positive on the quality of the natural heritage in the glen. One local resident described them as "world class managers, they are very careful and caring land managers". When I went on guided walks with the NTS Rangers, we did see an impressive range of wildflowers, rare plants and mosses – and a number of experienced walkers pointed out that there was more in Glencoe than some other places they had visited. However, the Trust employees felt the Trust had a "promotional deficit" when it came to promoting its positive impacts on the local environment. Most of the staff felt the Trust should be doing a lot more – locally and nationally – to promote its conservation work. Whilst no one was universally positive about all aspects of the Trust's land management – there was a consensus amongst half of the participants that the Trust had maintained the Glen as an "undeveloped, unspoilt and accessible" place.

The only complaint from those who appreciated the Trust's conservation work was that they had sold the house at Clachaig in the 1930s. This has since been developed into a budget restaurant, pub, bunkhouse and self-catering accommodation full to the brim with back-packing climbers and walkers. One resident felt the Trust had let the area down by selling this property and not controlling its development. They felt it was out of keeping with the area: "it's like the Blackpool illuminations up there". The Trust was also popular with some for resisting various pressure groups and development proposals over the years:

"(The Trust) stood up to the Scottish Mountaineering Club, they have put the Trust under a lot of pressure over the years, but they have resisted a lot – they resisted the demands to remove footpaths and bridges to the lost valley and Coire Nan Lochan. If those bridges had been removed it would have been disastrous for the rescue team...it would deprive a lot of people the pleasures of going up into the Lost valley if they are not mountaineers" (Resident).

Others thought the Trust deserved a feather in its cap for opposing British Aluminium's application to flood part of the Glen for a hydro scheme in 1944; and the fact that they had limited housing development on the estate.

The Trust also had its fair share of detractors. A common complaint was that SNH and the Trust's relationship was "too close and very exclusive". The feeling in this camp was that the Trust's policies were driven by SNH's objectives and as a result, local people did not have any input to SNH's SSSI designations or to other projects run by the Trust if they were funded by SNH. These complaints were mostly linked to limits on grazing and crofting activities on the estate because SNH had designated grazing land as SSSI's. Half the participants were

uncomfortable with the close relationship between SNH and the Trust. They felt it gave local people even less chance to influence SNH designations than they might have done if the estate was not owned by a conservation land owner. Resentment about their lack of control over designations was linked to the question of balancing local interests with pure conservation objectives. This common link was summed up as follows:

“These designations are called “international obligations” - not that we were ever asked whether we wanted them - but we’ve got all these obligations, and we’ve got SNH to carry out the legal requirements and the Trust to help them do it. But the land is actually there for *us*, they are our public servants, it is our country, and in this case, it is actually our land, because it’s sort of publicly owned land. So, why aren’t they doing what *we* want? Why should we just have biologists and zoologists and ecologists running the land, why don’t we also have inputs from Crofters and farmers and fishermen? Then the land would be really managed in the public interest. That would really revolutionise the whole thing!” (Member, Glencoe Action Group).

SNH’s “disproportionate level of control over the Trust” was put down to fact that they depended on SNH for funding. Therefore it let SNH dictate its conservation policy. Others made the point that the Trust and SNH employed similarly qualified people, who worked together to promote a “school laboratory science experiment” approach to species conservation – focusing on one species at a time rather than taking an integrated eco-system approach to conservation. There was also a feeling that they made no effort to factor in local economic needs: “I don’t think they (SNH and the Trust) are particularly interested in the local people, they are looking for complete conservation, so it’s never going to be a rounded approach” (Resident).

All in all discussions about the Trust’s conservation work highlighted that it was difficult to find any consensus locally, and that people seemed to have unreliable access to facts and figures from the Trust, which led to speculations and confusion. The Trust’s communication of its plans could certainly have been better, but it is also fair to say that communications were hindered by counter-information which blurred the facts and contributed to confusion about the Trust’s actual plans and activities⁹. In addition to this, it is not immediately clear how the wide-ranging views of local people could have been satisfactorily reconciled by the Trust:

“...it is very difficult in a place like this, I think in some places where there isn’t so much historical background, I think it’s easier, but in a place steeped in history, I think it is difficult to tread a path that is going to be acceptable to everybody” (Resident).

⁹ I did come across evidence that protesters against the Visitor Centre and the Millennium Forestry Project had “doorstepped” people whilst collecting signatures for the petition against the Trust, and misinformed them that the Trust was going to plant conifers the length and breadth of the glen.

The Conflict over Planning Applications for a New Visitor Centre

Nothing illustrated the difficulty in finding common ground in Glencoe more than the proposal to relocate the Trust's visitor centre from Clachaig to Inverrigan. I tried to focus discussions on identifying how the Trust could have limited the conflict. This prompted a range of responses. With the benefit of hindsight, both the Trust staff and local people identified numerous points during the planning application where the Trust and its opponents could have acted differently to prevent this increasingly hostile relationship. What upset people about the planning application to move the visitor centre from its intrusive spot to a more secluded site closer to the village? This section focuses on the Trust's decision-making process and identifies the levers used by various groups and individuals who tried to influence the result of the planning application.

Internal Decision-Making

When the original visitor centre at Clachaig was built in the 1970s, it sparked controversy because it broke Unna's Rules and because a lot of people simply thought the location was insensitive – attracting large numbers of people to a remote part of the glen, which is very visible from all of the surrounding mountains. The location of the visitor centre had always been subject to debate. As one member of staff put it, there had been “an ongoing internecine battle within the Trust behind closed doors. The Mountaineering Council of Scotland was also very influential”. Although there was vague awareness locally that the Trust had considered moving the visitor centre “on and off”, opponents of the planning application felt that the decision had suddenly been presented to them as a fait accompli:

“It's been many years, say 16 years? Since it was first mooted, and it's been going on and on and on, and people were absolutely bored out of their heads about whether the Trust were going to move. At first people weren't bothered, just because they thought it was never going to happen. Then suddenly, they have the land, there's planning permission and the whole thing's decided already. That's really what upset people” (Resident).

At this stage, the reasons for moving the centre seemed pretty reasonable. The original visitor centre building couldn't handle the increasing number of visitors. When I visited storage was already a big problem. So was the condition of the building - its appearance wasn't helped by the fact that it had recently flooded. It was shabby, damp and bursting at the seams. A new and larger building was needed for very practical reasons. It would also help the Trust to make more profit from the visitor centre. This fitted in with the policy of earning more money from commercial activities to insulate the Trust from the stock-market crashes and gradual decrease in the value of

annual legacies. Locating a new centre in a more discreet location further down the glen was also more “environmentally sensitive”. This fitted into the Trust’s overall policy of taking buildings out of remote wilderness areas - it would limit the numbers of visitors rambling in the remoter areas of the glen and bring people closer to the village.

The former Chair of the Planning Committee did say that he would have preferred the Visitor Centre to have been moved into the village “because *then* the 120-odd thousand visitors a year who come would have come right into the village and there would have been an immediate spin-off”. However, he said that the local council and planning office had been powerless to do anything about it because the Trust had already acquired a site:

“The Trust’s purchase of that site had already been recognised in the early stages of the development of the Local Plan, so the Inverrigan site was already locked into the planning process, if you like, so their purchase of it really made a significant difference to the way we considered their future plans....it was really just a case of moving land from one public agency to another, I can understand why they did it, but it wasn’t a move that I would have supported. But, having said that, once they had taken that decision, we had to work with that and try to make the best of it” (Former Chair of the Planning Committee).

Most local people didn’t recall any serious opposition to begin with. What they did remember was a sense of unfairness over the way Forest Enterprise and the National Trust had worked together to secure the land for the visitor centre - without consulting local people. Forest Enterprise transferred its land at Inverrigan to the Trust. SNH provided funding for the purchase. This land was at this time leased by a local business and used as a caravan site. The lease on the caravan site was then terminated, putting the owner of the caravan site out of business. This transfer of land owned by one public body to a national charity using funds from another public body was seen as suspect:

“The campsite was owned by the Forestry Commission, and I am sure that by law, the Forestry Commission should have put it on the open market, but there’s a clause – if it’s to benefit the public, then they can get round it. That’s what happened in this case. Their way round the law was that ‘it was of benefit to the public’ – but it’s not of benefit to the public if the public are busy fighting it! So it has to be illegal, what they have done. That campsite should have been put on the open market, and if any of the local people wanted to buy, they should have had the same chance as anyone else. We should have *at the least* been told that publicly owned land was changing from one owner to the next, and why” (Resident).

Opponents also felt that SNH had further aided and abetted the Trust by “being selective in applying boundaries to the SSSI” so they didn’t cover the land proposed for the development.

SNH pledged £300,000 worth of funding for the proposed new centre. The fact that the Trust didn't carry out an environmental impact assessment at the new site also added to the feeling that "there are two sets of rules, one for them and one for us". These dealings between SNH, the Trust and Forest Enterprise played on existing feelings that these bodies were too close.

The Trust did carry out a "Visitor Opinion Survey", which included questions about the location of the visitor centre, the forestry project and a number of other management issues. Whilst no specific effort was made to distinguish local views in this survey, their views were included alongside those visitors' if "researchers came across them". After the planning application had been sent in, the results of the survey, and the architectural plans were presented at a consultation meeting in the village on 13 August 1999. The meeting was run by Gaia Architects, employed to design the new visitor centre. Looking back, one Trust employee felt they had used "traditional market research techniques" for the initial survey. It could have been more participatory, and more effort should have been made to separate local community views from tourists'. If they could change anything about that first presentation, they would reduce the amount of planning completed before the public meeting, although not enough "to present a complete blank sheet of paper, if you do that you're also on a hiding to nothing" (Trust Employee). They would also have changed the meeting's format to enable more dialogue with the local community about options:

"Gaia Architects brought in a consultant and they stood at the front of the room and said: the NTS is going to relocate its Visitor Centre. It has carried out a fairly wide visitor opinion survey, which seems to support the idea that we should move the Visitor Centre down to the campsite, and this is what it will look like. So, we basically stood up and said: we are moving the centre, but we never ever said *why*. That's been our problem since the beginning" (Trust Employee).

Following a detailed presentation of plans, people joined workshop groups to do a "swot analysis" of the project and give their inputs to the proposed design and functions of the Centre. Although members of the Trust said they would like to go back and make changes, they also felt it was important to bear in mind this proposal was made "long before all these sorts of things - *public involvement* – that we are now more familiar with today, so actually we were streets ahead of everybody else at the time". The plans presented by Gaia included educational and community facilities, a proposal that was very popular with everyone – including the local Trust staff. One local resident recalled that the Architect "showed us these piles and piles of plans, how they were going to put a reed bed sewage system in, how they were going to put educational facilities in, how the restaurant was going to be a basic and small affair...and so on, it looked good". Beyond a "few grumbles" about past decisions and incidents with the Trust, no real argument came from

the community on the planning proposal at this meeting. Dissent was mild and limited to the proposed site of the new centre. Most people's attitudes are echoed the following statement:

“Well, I supported the Trust moving from Clachaig, I felt that having listened to their arguments, there was good *reason* for controlling development at that part of the glen, and indeed, subsequently when the Clachaig Hotel made an application for quite a substantial redevelopment of the Hotel, the Planning Committee successfully resisted that, for exactly the same reasons, that if we could reduce the development pressures in that area, and keep it a cleaner and a more natural environment, then it would be a better attraction for people coming to visit, I would have liked to see it in the village, though” (Resident).

The local planning committee passed the first application with no difficulty. There were no objections from the local community, statutory consultees (SNH and Forest Enterprise) or neighbouring land owners.

What went wrong?

Following this meeting, the Trust gradually adapted its original plans. The changes included dropping the reed bed sewerage system, the educational facilities and upgrading the catering facilities to an 80 seat restaurant. During this period the plans for the Visitor Centre were not the only major changes at the Trust. They were also undergoing a complete reorganisation of the Trust's management systems and approaches. As a result, there was a high turnover of staff working on the Visitor Centre project, and over an eighteen month period “when all the decisions were being made” the Land Manager at the property had “one or two memos” on the project. Local employees felt there wasn't “enough communication coming back from Edinburgh and Oban”, which meant that they couldn't feed any information to the local community. One Trust employee felt that whilst the Trust could have done better, the local community could also have been more patient:

“From the community side...there needs to be more appreciation of how big organisations work, that you *can't* expect to have a reply within 1 or 2 weeks. Now, maybe that's a problem with big organisations that they need to fast track certain communications, but certainly the Trust don't appear to have the resources to do that. And I think...communities need to develop the skill of listening as well as talking” (Land Manager, Glencoe).

The staff on the property had to wait for a long time before the final changes were shared with them. Some members of the Glencoe Action Group got early information about the changes when they visited the local planning office and discovered a letter to the Local Planning Officer from the Trust explaining that the reed bed system was being dropped. They were angered by

this because the letter was sent the week before the Trust's architects included the reed bed system in their presentation at the public meeting in August. The local community was not officially informed about this and other changes until the second planning application was lodged.

Questions about the Trust's timing and real intentions brewed a lack of trust within some sections of the local community. Eventually the changes to the original planning application got big enough to warrant a re-application for planning. Beyond placing a Notice of a Planning Application in the local press, the onus for notifying neighbours and the public about a planning application is on the applicant, they are not obliged to publicise their plans. If there are no objections to an application and it does not contradict anything in the Local Plan, the senior planning officer at the local planning office can use delegated powers to automatically pass the plan. If there is one contravention of the Local Plan or a single objection, then the application automatically goes to the local Planning Committee for consideration. The local community lodged a number of objections this time. The then Chair of the Local Planning Committee felt that this process gave adequate opportunity for the public to input to planning decisions:

"Well, whether it does or not is a matter for the Executive, because *that* is the rule that we work to, on *every* occasion, and certainly we have had very few complaints about that *process*. I think that any extra hoops that people might have to jump through may be seen as a break on development, and really, I am not sure that a break on development is what we need in the West Highlands, we need to encourage more development. I think people question the process when they don't get their own way, and I think what is happening here, the *process* has been questioned because it hasn't delivered what some of the people out there wanted it to deliver. Now my view is that there aren't any changes that could be lawfully made that would deliver their agenda" (Former Chair of the Local Planning Committee).

Everyone else who helped with this research felt there were a great many ways the planning system could be improved to limit the expense of contested planning applications; and to create better ways of balancing public inputs to planning decisions. Their practical suggestions have been combined with those made in all the case study areas and are included in the conclusion. High levels of dissatisfaction with planning processes were not just a result of the conflict over the Trust's planning application. People recalled a number of planning applications that the local community had opposed in the past. Local people felt that their views had been "totally and absolutely ignored"; "had no impact whatsoever"; "didn't make a blind bit of difference"; because "they didn't want to hear a thing about it". These applications included the Mountain Rescue team's application to move its rescue centre. This was passed despite a petition with over

170 signatures against it which was lodged with the local planning office by the local community. The last word on planning processes was that:

“...all I know really is that the whole thing has broken down and caused a lot of ill feeling and I think, possibly the planners should have been more meticulous about their rulings about the whole thing” (Resident).

Glencoe Action Group

This group was set up as a one-off to contest the second planning application. It is not a constituted group, and does not have a formal structure. One member of the Action Group explained what had prompted the Group to get together:

“Our main message to the Trust was: NO. It was very much just a vague coming together of a lot of angry people, without wanting to impose a huge alternative on the Trust, we just wanted them to go away and think again on the Visitor Centre and a wide range of their policies in Glencoe” (Member, Glencoe Action Group).

Some of the Action Group’s arguments tallied strongly with what many local community members felt about the planning proposal, others seemed to champion causes that were not necessarily shared by the wider, local community. A lot of people – inside and outside the Trust – questioned the representativeness of this Group. One local from Glencoe Village dismissed the Action Group as “outsiders, they’re rent-a-mob from Roy Bridge and Spean Bridge”. About half the participants had the impression that at least one member of the group was motivated by individual economic interests; and one or two others by wider political interests in limiting the impacts of conservation bodies and government agencies on traditional Highland livelihoods (crofting, hunting, fishing and shooting). Another contingent felt that the case was worth pursuing in principle to try and impress on organisations like the trust that they had to improve their track record on public consultation and local community involvement in all aspects of their decision-making. The members with the highest credibility with the local community also represented the most accurate consensus of local opinion during our discussions.

The Action Group’s main argument was that the new visitor centre would take custom away from local businesses by providing competing attractions, gifts and meals – backed by the massive marketing clout of the National Trust in Scotland and England. A local employee conceded that the NTS brand name “undoubtedly does have pulling power – or it does have clout with certain people, just not with communities”. Members of the Glencoe Action Group felt this was unfair for several reasons. First of all the venture was funded from the public purse using

grants, tax exemptions and subsidies not open to local commercial businesses. They felt that the Trust had used its close relationship with government agencies to secure funds and influence public decision-making processes. They felt the Trust secured the land in an untransparent way, closing down a local business and ultimately helping them push through the second planning application despite local opposition. Finally, they felt that there was a lack of proper public consultation; the Trust had “hoodwinked” the local community by presenting one set of plans and gradually changing them without informing the public until they were so different they had to re-apply for planning.

What did the Community Think?

There was a strong consensus in the local community that the centre should have been moved into the village, which they believed would have boosted the number of visitors to other local businesses. Every single person I met was disappointed in the Trust for not coming through on its pledge to provide space in the centre for community activities and educational facilities. The National Trust’s failure to provide *local* education and training opportunities at its new visitor centre turned out to be the most common grievance. After the first meeting, people had looked forward to a community space for education, training and lectures for adults and school children, and/or for meetings to share information with the local community. A member of the Trust’s staff who regretted the decision not to provide educational facilities also felt that they had lost a chance to build stronger and better relations with the community in the future:

“What we could have had could effectively be a community resource centre, it could have been used, for example, the community council could have met there, there could have been facilities to produce news letters - to be used for whatever purpose, I would have liked to see a room that could be used for larger meetings and consultations, it could have been used as lecture theatre type room, for talks, for training courses and slide shows, it could have automatically brought us closer to the local community” (Land Manager, Glencoe).

Regardless of whether people were in favour or against the proposal, the lack of investment in local education and provisions for the local community was seen as a “missed opportunity”. Why did the Trust fail on this front? Local people thought the Trust just put its commercial objectives way before community, training education and awareness building opportunities. This feeling was shared by the staff on the property. One employee said when they asked for more community & education provision, they were told: “there wasn’t enough money...any community use would have to be built round the visitor interpretation area...the architects felt that children could be taught in the middle of a public exhibition area”. Local staff were equally

disappointed that in a “£2.5m public project, no money could be found for anything apart from tourist facilities”.

There were also worries about the general economic impacts on the area. Even those who did not oppose the application felt that it would have been much better to have the Centre in the village, or on a site close to the village with a signposted walk “to get people out of their cars and into the village”. This was prompted by worries that the new Centre’s large restaurant and shops would displace business from local enterprises. In a survey conducted by a student at Edinburgh University for his Masters’ dissertation in 1999, of 57 local residents who responded to the question of whether the new Visitor Centre would “add money to the local economy”, 30 thought that it wouldn’t and 27 felt that it would¹⁰. Feelings that it would have a negative impact on the local economy got stronger when the Chairman of the National Trust was quoted as saying that the new Centre would have impacts on local people – it would be like a supermarket opening in an area.

The local Trust Staff pointed out that there were positive spin-offs from the Trust for local business – Highland Mystery World had treated the Visitor Centre staff to a free night out and a meal “for recommending more customers than anyone else in the Glen” (Trust Employee). One staunch supporter of the National Trust said that whilst they did “assist in marketing Glencoe...the displacement issues are quite real, they are not fake”. These fears were often based on perceptions that the Trust had damaged local businesses in other areas. Three residents said the Trust’s centres at Poolewe and Kinlochlewe Gardens had caused local businesses to shut down. Suggestions as to how the Trust could improve its impact on local businesses included franchising out its retail and restaurant facilities locally. Another suggestion was that it could stock local crafts and produce. This had been raised with the Trust by some local people, with no response. The Trust’s retail produce is centrally-purchased, so you find the same items for sale at most of its properties.

Action Group Attack

The Glencoe Action Group challenged the Trust’s proposal by writing to the national press and challenging the Trust at local meetings. It lobbied the Planning Committee and the local planning office, wrote letters to MSPs and senior staff at the Trust, it won the support of two local MSPs, and set about harnessing the sympathy of the global MacDonald clan on the internet. When none of these tactics seemed to be working, they finally lodged a petition with over 300 signatures

¹⁰ Palmer, 1999.

against the proposal with the Public Petitions Committee – calling for a public investigation of the Trust’s application¹¹. This put the application on hold whilst the Scottish Executive reviewed claims that the Trust had not properly consulted the local community on the proposal; that it would have a negative impact on the local economy, and was culturally and ecologically insensitive. Some Trust employees questioned the validity of the petition by suggesting that not all of the people who signed “fully understood what they were signing”.

The Public Petitions Committee did accept the petition, and invited further submissions from the Action Group and the Trust. The Action Group “was working through Fergus Ewing, our MSP”, and a local member was surprised that what she had intended as “a few pointers...not written from the point of view of being a public document!” were sent verbatim by his office to the Petitions committee, who had then copied it over to the Trust. This seems to have played a small part in sparking the increasingly hostile debate between the Trust and the Action Group. When the Trust started to fight back in earnest, one member of the Action Group conceded that they might “feel as if they are being used as a political example”. Roger Wheeter wrote a letter to all the residents in Glencoe, explaining the Trust’s proposal and refuting some of the Action Group’s claims. Claims Trust employees described to me as “crackers”, “libellous” and “ridiculous”. Some residents who remembered receiving it felt that this letter and some of Roger Wheeter’s comments to the press were “patronising”. This didn’t help improve relations with the local community.

Political Representation

The community council seemed to represent all sides of the argument. One was a self-confessed “supporter of the Trust” and one member of staff at the Trust felt the community council was “used as a single issue pressure group against the Trust”, because another community councillor “just likes bashing big organisations”. This led two participants to comment that there should be more pressure on community councils to represent a consensus of local views, and that they should perhaps be provided with training on how to canvas local opinion and facilitate consensus on major issues for local communities.

The Glencoe Action Group was supported by Mary Scanlon, Conservative MSP, and Fergus Ewing, SNP MSP. A member told me that they had “no problem at all, no, we just phoned them up, dropped them a note and told them all the problems and they were both very interested”. They took on the job of representing the Action Group’s case in Parliament, to the Scottish

¹¹ PE 227 (Alistair MacDonald) on Glencoe Proposals

Executive and in the Press. Whilst I stayed there, I went with one of the Trust Employees to see Fergus Ewing during his constituency surgery. This employee was hoping to give his MSP “the other side of the story” and to set the record straight on some of the Action Group’s allegations against the Trust. He stressed that he was not making a plea for the Trust, but was representing the case as a “private individual”, and a member of the local community – because, he pointed out, all the Trust staff on the property were members of the local community, too. He was alarmed that the MSP was not fully aware of the full range of local community attitudes to the Trust, their work or the planning application:

“If they stand up in public to say something on the behalf of one or two of their constituents without talking to the other constituents first, who are they doing the service for? You are there to serve them both, not just one. If you are prepared to be incredibly vocal in support of one before you have even spoken to the other, then your credibility goes to the floor” (Resident).

Another local resident and a Trust employee both shared his view. They felt that politicians have a public duty to inform themselves about all sides of any debate, and that they were paid expenses to help them “ensure that research is done before they open their mouth”. This was important because people generally “believe what politicians say”, and if they weren’t 100% sure of all the facts and all aspects of local opinion, then they opened themselves up to being used by vested interests to further their own cause. Everyone on both sides of this dispute welcomed the petition. They were looking forward to an objective review of the planning proposal, and hoped that this would finally lay the matter to rest. They eventually ruled in favour of the National Trust, and the Visitor Centre opened in May 2002 and has won awards for its environmentally sensitive design, including Gold Green Tourism Award presented by Mike Watson, MSP in February 2003.

The dispute held the development up by several years, and cost the Trust dearly in terms of PR and money. One Trust employee did add that “the Trust has only itself to blame for all this”, because it has been far too slow to communicate information about its plans for the visitor centre and had not responded to some “totally unsubstantiated” allegations until it was too late. Another Trust employee put the whole situation down to “lack of communication: it can be summed up as that, that’s really been the problem. I think the Trust probably thought that they *were* communicating, but...it’s not been adequate” (Trust Employee). Not only did the Trust fail to get its own messages across, it seemed to have failed to assure local people that they listened to feedback.

In the light of the difficult relationship between this community and the National Trust, the next section looks at local people's attitudes to community ownership as an alternative, and at how the Land Reform proposals might affect this community's opportunities to have more control over land use decision-making and benefits in Glencoe.

Land Reform

The consensus here was that Land Reform would make no difference to this local community's opportunities to influence land management or local economic development opportunities. Local residents felt that the Trust had "the ear of the parliament", and this meant that it would be able to make sure that the proposals did not affect any of their landholdings or interests. Some residents and non-resident crofters remembered that the Trust had been exempted from the 1976 Crofters Act. There was local awareness that the Trust was "apparently looking at ways of circumventing the community right to buy". They felt that even if the Trust didn't alter the proposed legislation, they "would find another way round it".¹² Another resident hoped the Abolition of Feudal Tenure would have an impact on the Trust. They had been offered land by the Trust to build a house, although they wanted the land, they were put off by the Trust's proposed feudal conditions – particularly because the Trust wanted to include a right of pre-emption. This meant that they couldn't bequeath or sell the property to anyone other than the Trust. The Trust had already secured exemption from some provisions in the Abolition of Feudal Tenure bill by this stage – feudal burdens on their land would be legally converted becoming "conservation burdens".

Almost everyone strongly supported the community right-to-buy and the abolition of feudal tenure and felt the Trust's special status made it "doubly important" that they improved their track record of involving local communities in decision-making and providing socio-economic benefits from the land they owned. Three local people pointed out that although the Trust "has many of the privileges of a public agency" it is legally recognised as a charity. Therefore they were dubious that proposals to encourage public bodies to improve community development and involvement opportunities on their land would have any impact on the Trust. Likewise, some residents were sceptical that the proposals would actually have any impact on the government agencies either. One member of the Action Group felt that the proposals would not succeed in meeting their objectives unless they improved the security of tenancy laws and land owners could be persuaded to let some parts of their land to local people:

¹² In the event, the Trust failed to win an exemption from the Community right-to-buy, and its exemption from the Crofters right-to-buy was also revoked.

“...we want to see people back on the land....if we cut them off from land, we are cutting them off from their whole past, and I would say the same to *any land owner*. You want people to have opportunities, you want the land owners to loosen up a bit, it's not a take over bid or anything like it, but if we can get new, reasonable, tenancy laws established in Scotland, people like the Trust should really start freeing things up a bit, let's have a bit of variety about the place, instead of these carefully honed plans for this, that and the next plant species” (Member, Glencoe Action Group).

Not everyone gave unquestioning support to the concept of community ownership, or of opening up more opportunities to influence land management. A local councillor, who was actively involved in Alcan's transfer of the Kinlochleven estate to the local community, was concerned about the proposal to make it easier for communities to buy land. He was concerned that local communities might not have the time or the capacity to own and manage land, that it took motivated and skilled individuals to lead a community in this type of enterprise and “we don't have a great number of them up here at the moment, maybe if we had encouraged more of them to come and settle up here...we could start thinking more about it”. The fear that local communities didn't have the right skills and capacities to manage and own land was shared by one of the National Trust's Staff at Glencoe.

“...I am not sure that communities have enough resources in terms of skills and people employed to actually be able to put together a bid and a funding package and all the rest of it, for example apply to acquire a piece of land they were interested in. So I think Land purchase by communities is the main one (problem with the proposals)”.

Another member of staff was much more adamant that the land reform package was an “expensive piece of legislation”, that was neither necessary nor desirable. In the first instance, he couldn't see how the proposals would actually make it any easier for communities to buy land. In the second he felt that promoting community ownership is a “very bad mistake:”

“To allow people who think that they know what they are doing to buy wide tracts of land and do either nothing with them, or have an incredibly good idea for two or three years, and then as the participants of this buy-out thing drop away, it falls apart, is incredibly reckless” (National Trust Employee).

I was not surprised to find opinion on the land reform was diametrically divided in Glencoe. I began to wonder if one senior member of the trust's feelings about public consultation might not be born of his frustration at discovering – after decades without dialogue – how hard it was for the Trust to find consensus on any issue in Glencoe:

“...the fashion, the zeitgeist, if you like is *consultation* and moving forward by *consensus* and it sounds wonderful, but whether it’s practically possible is not entirely clear, I don’t think you can ever please everybody all the time...I think the only way that communities are going to develop, is if some higher authority - for want of a better word - can at some point, say to a community: well, *look*, you are complaining that such and such isn’t the case, but you have been *told* that such and such *is* the case, and the evidence has demonstrated that it *is* in fact the case... Well look I am *terribly sorry*, I really appreciate your problems, but we have made this decision and we are going to go with it” (Trust Employee).

The local community in this area had had very little opportunity to influence land-based decision-making in Glencoe, the only routes open to them to influence the National Trust’s decision-making process were by launching a campaign to support their objection to their planning application to move the visitor centre. Everyone in Glencoe, regardless of their varied perspectives and attitudes to the conflict, welcomed the arrival of the Petition Committee to investigate the local community’s claim that the National Trust’s development would damage local interests. In the event, the Committee found in favour of the National Trust and the development went ahead. This was an upsetting and costly dispute for everyone involved; local people were motivated to support the objection to the Trust’s application by old frustrations, which had built up after years without dialogue, as much as they were motivated by their concerns about the impact of the new visitor centre.

CHAPTER 7: Case Study 4

Local Participation and Community Development Opportunities on Forest Enterprise's Borgie Forest Estate

Introduction

The North Sutherland Community Forestry Trust (NSCFT) has attracted a membership of over 300 people from 13 townships spread 100 miles along the farthest north coast of Britain. This community group was campaigning for ownership of the 7,000 acre Borgie forest when I conducted this case study. The forest is owned by the Forestry Commission and managed by Forest Enterprise on behalf of the nation. The case put the troublesome question of balancing national and local public interests in the spotlight. Rhona Brankin, the Scottish Minister responsible for Forestry indicated the state was reluctant to give ownership to the local community. She argued that the government could not hand over an asset “worth millions” to benefit one individual community¹. The community countered that the land was gifted to the nation by the Duke of Sutherland with the express purpose of creating local jobs. They also questioned the government’s reasoning because the state had already handed half of the Duke’s original gift back to the Sutherland Estates in 1992. Whilst it certainly wasn’t worth millions, the remaining portion of the estate – the Borgie Forest – was seen as a potentially valuable local asset. The NSCFT felt that they could deliver more direct social, economic and environmental benefits than the state. The Caithness and Sutherland district branch of Forest Enterprise liaised between their administrative superiors in Edinburgh and the local community. They hoped that the community would settle for a joint management agreement.

This study was an excellent opportunity to see how the government handled a community’s right to buy if the land in question was owned by the state. This study includes an account of the historical and legal background to the claim; what had motivated such a diverse group to support the initiative; and, finally, the likely impact the proposed land reforms might have on their claim. The geographic spread and diverse membership of this unified and fully constituted community group also highlighted potential problems with the definition of “community” in the land reform proposals. Discussions also gave me insights into local communities’ vision and priorities for realising the full local development potential from forestry in their area. Discussions indicated

¹ Pers comm. NSCFT Director.

that examples of other successful, grassroots community initiatives had raised local confidence to “have a go”.

The Land

As you drive north of Inverness towards Bettyhill on the north coast, the panoramas become more and more spectacular. Peat bogs and bare hillsides are framed by jagged mountains. It is reminiscent of the most romantic – if misguided – image of Scotland as a natural, “barren wilderness”². North Sutherland’s natural environment is close to pristine – it has clean beaches, excellent fishing rivers, and over a third of the area is covered by peat land which supports a variety of wildlife and flora – including rare and endangered bird species like black and red-throated divers, peregrines, golden eagles and short-eared owls. Its high biodiversity value is indicated by the fact that almost half of the land in this area has been designated as Sites of Special Scientific Interest (SSSIs) by SNH. Only two percent of the area is forested, but there are small pockets of relatively mature and good value woodland amongst the open peatlands. Borgie forest is one of these – possibly one of the highest value forests in Forest Enterprise’s holdings in the area³.

This part of the world is also one of the poorest and most sparsely populated areas in the whole of Northern Europe⁴. The high proportion of land per capita is not reflected in local economic opportunities because of limited access to land for local communities. This may explain why so many local people identified the natural resource base as the key to promoting more local sustainable development during a participatory survey facilitated by the Dutchas initiative⁵. 103 respondents from North Sutherland identified “*local timber processed locally and an increase in forestry projects*” as a priority for local development. Developing local forestry opportunities was listed as one of the top fourteen priorities for supporting development in the area alongside grant-aided improvements to the built heritage and community halls, developing tourist facilities, improving “care in the community” facilities, and marketing local products. Having spent the biggest chunk of my annual research costs on petrol in this area alone, I was not at all surprised that the six other priorities all related to developing transport infrastructure. The roads are notoriously poor. It takes two hours to reach Inverness from Borgie forest, and half of the journey takes you around hairpin bends on very narrow single-track roads. Despite the poor

² For insights into the misrepresentation of Northern Scotland’s barren moor lands and hillshides as a natural and not a man made habitat, see Cramb, 1999; McCarthy, 1999 and Wickam-Jones, 2001.

³ Pers comm. Forest Enterprise Employee.

⁴ See West Highland Free Press, 27.02.2004. GDP per capita in this area is 25% less than EU average.

⁵ Dutchas, 1999.

transport links between them, there is a strong feeling of shared community between the townships along the coast.

The Land Owner: Forest Enterprise and the Forestry Commission

What struck me in all my conversations with Forest Enterprise (FE) and Forestry Commission staff was a strong sense of their proper place in the organisational hierarchy. This started with forest craftsmen (general labour) and gangers who are managed by Forestry Work supervisors (foremen). Supervisors can be promoted to become Forestry Works Managers. These staff will work as a squad on a beat managed by a single Forester. FE also employs Wildlife Rangers who organise and carry out deer culls, and manage local conservation activities. Borgie forest was not big enough to be run as a single beat by a forester – instead the forester and his squad were responsible for this and a number of other forests in the district. Forests need different levels of labour intensity at different stages of the planting and harvesting cycle – so the squad move from forest to forest depending on what needs to be done. All the beats in a district are overseen by District Foresters. There are two District Foresters in Dornoch, one responsible for harvesting and the other for general forest management – they handle and allocate budgets for the beat foresters. The Forest District Manager is responsible for all the staff in a district.

Borgie was in the North Central Sutherland beat. Here, FE employed a full time Wildlife Ranger, a Forestry Works Supervisor (both provided with an FE house); and five Forest Craftsmen, who had all worked “for the Forestry for between 10 to 20 years”. This squad would also spend some of their time working on forests in the Caithness area. Of these seven full time positions, the District Forest Manager estimated that Borgie forest would require roughly 2 full time forestry staff and the equivalent of one full time position to look after the fishing interests on the Borgie River and conservation/wildlife management. One concern raised by a local FE employee was that if the community owned Borgie they would not be able to provide continuous employment for so many staff. This person also said that they would not be interested in employment from a community forest owner because they couldn’t offer the same in terms of tied housing, pension, job security, salary, training and career progression as FE.

In addition to speaking with a sizeable number of FE and Commission staff whilst selecting this case study, I was also employed by the Commission to conduct baseline research on public involvement in forestry and to design training courses for senior staff from the commission and forest enterprise; and by a partnership of NGOs and government agencies to evaluate an EU funded pilot project to test the impacts of employing community forestry facilitators based in

FE⁶. During my interactions with both organisations, it was clear that they are both highly respected and popular employers. Forest Enterprise and the Commission provide funding and time off work for further education, such as HNDs, degrees and MSc.s in Forestry, and diplomas in business management. The forest training services arm of the organisation also provides a wide range of relevant training courses. One Forest District Manager was well known for helping his staff to write their CV's if they were applying for other jobs – to help them progress their careers. This type of support fostered loyalty amongst employees because “if you are onward and upward, nowadays you are needing more qualifications” (FE employee).

FE Management Strategy & Public Consultation

Borgie forest was a relatively financially valuable asset for FE. A lot of the forest was mature and nearing time for harvest. The area was very productive and the forest had a good growth rate, in common with a number of forests in the area. However it did suffer from the fact that a good proportion of the forest was planted with Lodgepole Pine, and “the original seed source was from a less than ideal origin”. This meant that the quality of some of the trees was not as good as it could have been. FE planned over the next couple of decades to develop and restructure the forest to harvest some of the poorer quality stands – mainly Lodgepole Pine – and re-plant these areas with better quality stock. This would make the forest more economically viable. It is also an ecologically valuable habitat. The Borgie River has been designated as an SSSI as a habitat for fresh water mussels. FE was involved in some educational & recreational work in the forest. They had worked with local schools to build the Millenium Walk – a spiral pathway leading to a sign-posted forest walk, and installed a cycle route through the woods. All in all, the priorities for managing forestry in this district were not too different from the local communities' priorities. FE's approach was to try and to get a balanced set of benefits from forestry. However, FE staff also admitted that more could be done to deliver *local* benefits from the forest's management:

“The real aim is to try to make sure that the balance is right...it makes sense for the forest to be producing timber, it was set up with that in mind, if it can do that, then it makes sense (to the extent it can be done) for it *also* to be of benefit to the local community, and that's something that, hopefully, we can develop more” (Forest District Manager, Dornoch).

To get sustainable balance of benefits from forestry, FE's budgets and forest management plans are built from framework maps of forests, using “fairly rigidly defined compartments”. They start by assessing the quality, growth rate, density and age of the trees in each compartment.

⁶ See McGrath, 2001a and McGrath, 2002.

Using these surveys, the Foresters then assess which trees can be harvested, and when, and what kind of market there will be for them. The optimal time for felling is based on the ideal “time, financially when the trees ought to be harvested”. This then becomes the “starting point of a forest plan. It is basically a map of these *ideal* financial times, and then we work back, in a way, factoring in all the other constraints that there might be to doing that.” Constraints included delivering recreational and aesthetic values, “landscaping or environmental considerations”, and local community expectations. At this stage, the forest management plan will be shared with local stakeholders for public consultation:

“...the whole essence of the consultation process, don’t get me wrong, it’s not that we’re thinking: well, it would be great if all the consultees involved in the plan simply *don’t* make any comment that means that we have to move away from this economic ideal. That’s not the point at all; the point is to have a starting point. When we reach a consensus with consultees...the balance of objectives for a particular forest...can be a *long way* from our initial starting point. What it means is that when we come to the final agreed plan, we know that in financial terms...it’s viable, we can be satisfied that the cost...has been minimised. It can still be pretty considerable, of course, but by starting from that economic standpoint, in effect we minimise the cost of coming up with the ideal plan” (FE employee).

Staff at FE felt that there had been an enormous change in attitudes to public involvement in forestry over the last decade. In the past, public involvement had been limited to whatever information was given to them by the Beat Forester for an area. “Gone are the days ...in the ‘60s and the ‘70s, even up to the ‘80s, where the Forester was a renowned person in the village... what the Forester said, *went*, and that was *it*. You didn’t like it? *Tough*” (FE Employee). The agenda for more community involvement was driven by “political pressure and funding, and pressure from communities themselves”. The first steps to involve local people in forest management in this district were taken in the early ‘90s, when two Environment Panels were convened by FE and then consulted about local forestry plans. Members came from government agencies and NGOs, although there were some community representatives. The panel’s initial involvement was limited to “*some elements* of the plan, because you are talking about the really early days of people being involved in those types of discussions”. FE staff felt that public consultation was improving through a “two way education”. FE were learning more about the local communities’ aspirations, and getting better at “informing people, not just about the forest but about some of the issues that surround the management, the ecology and the economics of forests”.

Looking back at their earlier public involvement exercises, local staff felt that they had come a long way since then. Staff were aware that just as FE’s time and resources were “very limited”,

local people were also working on a voluntary basis. They still felt they could find more efficient methods of consultation and “meaningful dialogue” to benefit both sides. They also felt that the earliest Environment Panels could have had a “wider, broader representation from people in the communities”. However, they also felt that they had been performing well by comparison with general standards of public consultation at the time (early ‘90s). However, there was still more room for improvement:

“That wasn’t what was happening at the time, so the fact that there *was* a panel, was a relatively new thing. It probably was quite a radical thing at the time. I think one of the things that we have not done very well over the last ten years...it certainly is something that we are now looking to improve on, to find ways of imparting an understanding of forests and their environment to people...it’s more steering towards a culture really...not from a position of superiority, it’s to try to provide opportunities for people to experience forests...through forest walks, or other events, or involvement in community projects, or businesses, ways they can engage somehow or other with the forest, to pick up a kind of *woodland culture* which simply isn’t there...” (FE Employee).

One FE staff member felt it was as important to continue improving public understanding and awareness of “what we are facing” as it was to “address specific aspirations that may be bubbling to the surface in particular community groups right now”. This way, local communities’ aspirations would be informed by more understanding of the constraints and realities of forest management. FE felt that the arrival of the NSCFT had radically improved levels of local community engagement. Local people also felt that it had been since the Trust came on the scene that they got more access to the forest and information about its management:

“...now with the Trust being there, you know what’s going on and you are kept updated, and if you want to know something about it, you know who to contact, whereas before, you would think twice about going to FE. Well, when it’s not people that you know personally... it’s much easier to speak to someone that you *know* about something” (Margaret McKay).

The local forester’s main sources of advice on how to deal with the local community came from the District Forester and the Community Forestry Facilitator who had been employed under the pilot project funded by the EU. He had not seen the Commission’s 1996 guidelines or its newer guidelines on community participation issued in 2000;⁷ and he was not aware of any training courses on participation. At the end of the day he felt that “on the whole the forester in charge is pretty much left to it, with the community, and it just comes with practice”. He said he would welcome community participation training because “it would be a real bonus up here! Learning how to be a diplomat would be useful”. In the meantime the community’s claim for ownership or

⁷ The Forestry Authority, 1996; and Forest Enterprise, 2000a and 2000b.

more involvement was not something he had anything to do with because “it is such a political question...the information is passed down to me...I have nothing to do with all that, that’s for people higher up in the organisation”. Until the high level policy discussions were concluded, he aimed to keep a low profile with the local community. He was very positive about engaging with the community in the future, once the relationship between the community and the FE had been “signed and settled”.

Amongst the directors of the Trust there was strong support and respect for the District Forester and his staff. They were very aware that “he is in a difficult position, he does have some *very different* people higher up the chain to deal with” and “his problem is a step up the ladder”. There was a feeling that “forestry’s been this bastion, and the attitude higher up is: we’ve run it, and we don’t want to see anybody interfering, but at the same time...well, we’ll have to get communities involved. They are in quite a period of change”. There was a general feeling that whilst the national forest strategy indicated a commitment to public involvement, this commitment didn’t cut across the entire organisation. When the Trust had quoted a section of the national forest strategy on public involvement to Rhona Brankin MSP, who was responsible for forestry at that time, they were surprised by the response:

“There was this big chunk of the strategy that we quoted to Rhona Brankin, and she threw it back in our faces: ‘It wasn’t meant like that!’ she said.” (Anna MacConnel).

Relations on the ground had definitely improved, but at this stage, it was yet to be seen how the Forestry Commission and Forest Enterprise at the national level would reconcile their commitment to delivering more community involvement and development opportunities with communities who established community forestry groups – if their priorities included taking much more control of state-owned forest land to the point of buying it from the state.

The Community Claim for Ownership

History of Tenure of the Borgie Forest

What had prompted so many people to join together to claim ownership of the Borgie Forest? The history of local land tenure came up time and again. One local man was introduced to me as “our local historian”. He ran the North Sutherland History Studies Group and gave a good summary of the general feeling in the area. He explained that that people “had long, long memories, and the desire to own the land is part of a desire to take back what they feel is theirs

by right". That local people had a prior right to land was a common perception. One crofter explained that it was the same kind of feeling that motivated her family to buy their croft:

"We thought: why *shouldn't* we? Our forbears hued it out of the land themselves, so we went ahead and bought it back" (Joan Campbell).

I attended one of the community Trust's board meetings in May 2001. It was apparent that one of their biggest needs was for a "plain English" interpretation of the historic disposals, feudal conditions and legal tenure status of the forest. "Unravelling these bureaucratic legalistic paper trails, of which there seem to be millions" was seen as essential to a successful bid (Pat Rodlin). This section on the ownership status of the Borgie estate demonstrates how strongly the the legal history of tenure had influenced local people on the question of who should own the Forest⁸.

Land for Veterans: A Gift to the Nation

The Duke of Sutherland acquired the Borgie Estate in 1830, as part of what was then the Reay Estates. The previous owner had already begun relocating families, and the Sutherland family continued these clearances when they got the land⁹. The Borgie Estate was originally leased by the Sutherland Estates as a sheep farm. When this became unviable the lease was taken over by an Irish family for "summer sporting use" in the mid 19th century. This family gave up the lease in 1913, and in 1914, George, Marquess of Stafford (and Duke of Sutherland) petitioned the house of lords for an order of sale for "certain portions of the entailed lands and Estate of Sutherland and Country of Reay" (now known as the Borgie Estate) in lots or as a whole by private bargain or public roup (auction). The petition was accepted but the land remained unsold.

Two years later, during a House of Commons debate in August 1916, Scottish MPs criticised the Board of Agriculture on their poor performance in making land available for veterans. During this debate the Secretary of State for Scotland announced the gift of the Borgie Estates by the Duke of Sutherland to the nation for the benefit of war veterans. This was politically expedient, but the proposal was also controversial. The Highland Land League accused the Duke of trying to win political favour whilst getting rid of a useless asset.¹⁰ Indeed, an Internal Memo circulated in 1918 by the Chairman of Board of Agriculture indicated that the land was such poor quality that the Board would not normally have taken it on. Doubts aside, the Duke officially transferred

⁸ See also McGrath, 2001.

⁹ Pers comm. Robert McKay, local historian and see Prebble, 1963.

¹⁰ The Highland Land League printed a circular questioning the Duke's motives in September 1916. Cited in Leneman, 1987.

the land – excluding mineral and fishing rights – to the Board of Agriculture in July 1917. The Duke laid down eight feudal conditions. The land was to be used for the settlement of men who had seen active service overseas in World War I (to be selected by the Secretary for Scotland); and the settlers had to be “considerately dealt with in view of their service to the country”. The last three conditions stipulated that the state had to plant trees on at least 5,000 acres. The scheme also had to provide settlers with employment “within easy reach of them”. In 2001 local people’s attitude to the original gift was that the objectives behind it were “a wonderful thing, especially at that time”, but that the land had never delivered the local socio-economic benefits the Duke had aimed for with his feudal conditions.

One local community member commented that “Borgie is the mother of the Forestry Commission, it was born here.” The land was one of the first sites managed by the Forestry Commission. The massive timber demand during the war had all but wiped out Britain’s forests¹¹. The original objectives and remit of the Forestry Commission were driven by the need to restock and maintain strategic timber reserves. Whilst the Commission’s remit was driven by a national strategic need for economical timber supplies, the Duke’s feudal conditions had local, socio-economic objectives. From the outset there was a mismatch between the local objectives and the Forestry Commission’s national economic and strategic remit. These clashing objectives meant that relations between the Forestry Commission and the crofters who settled on the estate were never good.

Locals continually pressed for employment from the Commission. They tried to enlist support from the Board and the Duke – with no success. In 1921, the Duke’s final recorded response to them was that he “had not meant the scheme to be engineered in that way”. Despite the feudal conditions, the Forestry Commission then finally “made it quite clear that they were no longer under any obligation to give us steady employment” during a meeting with the crofters in 1922. They continued with various unsuccessful appeals until 1931 when the entire estate was leased to the Forestry Commissioners on a retrospective 999 year lease beginning in 1927. The Duke’s conditions that the forestry scheme and the crofts should together provide steady employment “within easy reach” still held. The scheme did not provide stable employment for locals, and it also cut them off from their common grazings. By 1936 the crofters had to dissolve their sheepstock club. It was unviable because of the distance of their homes from the common grazings and the difficulty they had in gaining access across “Commission land”.¹²

¹¹ Fowler, 2002.

Sixty years later, investigations of the legal tenure of the Borgie estate by Reforesting Scotland on behalf of the Trust uncovered a transaction which confounded locals and complicated their case for ownership. A search of the register of Sasines revealed that the Secretary of State¹³ for Scotland disposed the entire estate back to the Duke of Sutherland in November 1960. Inside a month, the Duke of Sutherland had already returned the estate to the state. On the surface the transfer was necessary and practical. The feudal conditions had to be changed as it was by now quite difficult for the Secretary of State to find able tenants who had served in the First World War. Most of the conditions did not change, with the exception that the 7th condition was strengthened and removed any ambiguity in the first disposition. It now stated more clearly that the land should be forested to provide labour for settlers “*within their easy reach*”. There was one other significant change. A new condition stated that if the land was to become “unnecessary or unsuitable” for the scheme, and the state decided to sell then the Duke and his heirs were legally guaranteed 40 days to exercise a right of pre-emption. All costs associated with any transfer had to be paid by the state. The state also obliged itself to make a written offer to the Duke/his heirs *prior* to placing the land on the open market. This meant that any transfer would automatically by-pass the statutory requirement that the public has to be notified of any intent to sell public land.

Second “Mystery” Transfer Triggers Local Demand for Land Ownership in the 1990s

With no public notice, on 26 August 1993, the Secretary of State disposed all but the forestry land on the Borgie estate to the Countess of Sutherland. The disposition certifies that the Countess incurred no costs and that the transaction “did not exceed the value of £60,000”. One local community member said that the estate never challenged the popular belief that the 5,038 acre estate was handed over for free: “in fairness to her, she didn’t know it was going to drop on her head. She to me herself: ‘well wouldn’t you take it if they came along and offered you this on a plate?’” Although everyone was aware of the transfer, they were in the dark about the reason behind it. Local people felt the gift to the Duchess was “dubious”, “mysterious” and “highly unaccountable”. There was a lot of confusion about why the state should hand over a crofting estate that had been substantially improved using tax-payers money. This partly triggered the local community’s support for taking over the remaining forestry portion of the estate:

¹² All references to the Crofters’ reaction to the Duke’s gift courtesy of Leneman, 1987.

¹³ Under the Reorganisation of Office (Scotland) Act, 1928, the Secretary of State became the statutory successor of the Board of Agriculture, and therefore heritable proprietor of the Borgie Estate.

“It was pretty near impossible to get through this *hedge* of secrecy...until quite recently, when we finally found out about the pre-emption clause – but we still know nothing about why it was allowed to happen. It was like trying to penetrate a Berlin Wall, to get information. I think perhaps what really ignited aggravation was this return of the Borgie Crofts to the Sutherland Estates, and people thought: damn! How is that possible? How is that just possible when it was given to the state to make jobs? So we decided, and it was quite unanimous, that we should see if we could try and buy it” (Pat Rodlin).

When I contacted the Scottish Executive, I got no closer to discovering what had triggered the pre-emption clause. I was simply told that the conditions for triggering the pre-emption right had been met. I asked how the conditions had been assessed, or what had triggered the transfer. I was told that it was a “private matter between the Department and the Sutherland estates”. It was subject to “confidentiality rules”. I was assured that senior advocates had been involved in assessing the transfer of “improved crofting land which was pretty bad when the state got it; a beat on the Borgie and a beautifully renovated hotel” (Anna MacConnel). This had ensured there was “no demonstrable loss to the tax payer”:

“It was a private transaction, the land was gifted and then handed back some 70, 80 years later – it was well covered in the press at the time, but the specific details of the whys and wherefores and who triggered what and the pound signs, are not divulgeable – we were under a different government at the time, you are asking me about decisions made by a previous government... In my day researchers were gentlemen... I am not willing to be interrogated any further, I have answered your questions – your questions seem to be leading down an avenue I am not prepared to go... You are entitled to write a letter making enquiries, but for propriety and confidentiality’s sake I am sure this is not something we could divulge” (Scottish Executive Employee, Estate Management).¹⁴

Following the transfer, the tenant crofters appealed to the Scottish Land court against the Sutherland Estates’ attempt to increase their rent by 1000% (from £2 to £200). At this time, an option supported by all but one member of the three grazings committees was that they should try and buy the land (Pat Rodlin). In the event the crofters were happy enough with the outcome of the land court hearing and did not pursue the question of buying the Estate. This transaction, the legal history of tenure and the land shortage in the Highlands were all cited as playing a crucial role in motivating the local communities who lived closest to the remaining forestry portion of the Borgie Estate to investigate options for more community control of the part of the Estate which was still in public ownership:

“Yes, it made us want to buy it, but at that time was a more local thing, just Borgie, Skerray, essentially because it was given to the state to give jobs to this area, and it didn’t, and this has always been a source of aggravation to all the crofters and small holders in Borgie and Skerray.” (Pat Rodlin).

¹⁴ Note of Call to Executive, 22 March 2002.

The condition that the forest should provide local employment was well-known amongst the local townships and eventually the desire to take control of the remaining land motivated townships farther afield to join forces and become members of the NSCFT. Almost everyone said the original objectives behind the gift and the fact that the state had recently given the crofting land back to the Sutherland family were a justification for giving the remaining land to the community. They felt strongly that more local employment and social and environmental benefits would be delivered under community management and ownership.

The North Sutherland Community Forestry Trust

The North Sutherland Community Forestry Trust (NSCFT) was established to represent the local communities' interests at a meeting hosted by CASE to determine the level of community interest in the Borgie forest in May 2000. The Trust is a fully constituted community group headed by a steering committee of 12 directors who work for the NSCFT as volunteers. Each of the local townships is represented on the steering committee by locally elected directors who were described as "*one of the principle movers in their villages, they are all positive people*" (Sandy Murray). The Trust's emphasis is on maintaining the group as a grass roots organisation. The Dornoch District Forest Manager is on the steering committee "not to represent FE to the Trust, but to represent *us* to FE, he is the type of man who wants to see the fairness of a thing...I think it was because we had so much respect for Chris that we had the courage to put someone from FE on the board."¹⁵ (Joan Campbell). The board is divided into different working groups. The Forest Design Group was responsible for developing a five year forest management plan with FE. The Land Ownership Group was driving the claim for ownership and responding to the Scottish Executive's consultation over the Land Reform proposals. The Feasibility Study Group was overseeing studies funded by SNH to establish options for community management. This included assessing the quality and local demand for timber, and the feasibility of developing a local timber processing facility.

The professional backgrounds (and the enormous range of other networks and initiatives that the Directors are tied into) bring a dynamic set of contacts, skills and experience to the NSCFT. They also recognised that they needed further training and "capacity building":

¹⁵ Support also came from Anne MacKay, a community forestry facilitator employed as part of the pilot project funded by the EU and overseen by a partnership between FE, SNH and Highland Birchwoods (a technically-oriented forestry NGO) to test the value of community facilitators for enhancing public involvement in forestry. For an evaluation of this initiative, see McGrath, S. 2002.

“There’s a good range of skills, but some board members have no previous experience of forestry...they have a steep learning curve. So, we have applications in for funding to train directors, and to send them to go and look at other community woodlands, like Abriachan and Birse, so they can share the experience, the practicalities and the thought patterns at the moment. So, there is an education of the board, which you would only get from people who were very, very committed” (Sandy Murray).

Members and Directors put in an enormous amount of voluntary time. The Trust’s accounts showed that the Directors had put in 10,000 miles of free petrol and the equivalent of 33 full-time working weeks between them since the Trust was set up. They anticipated that this level of personal investment would decrease once the Trust was up and running. Alongside voluntary inputs, they felt that support from government agencies with the high cost of setting up a community initiative was essential for it to become self-sustaining (Sandy Murray). They had applied to the Scottish Land Fund to support initial start-up costs; including paying someone to keep things running. The board felt that it would take about three years before the NSCFT would be in a “a position to pay staff ourselves and not have to go looking for revenue funding from Land Fund or other sources” (Sandy Murray). Pending the results of their feasibility studies, they hoped future funding would come from the profits from local timber processing and harvesting; and providing buildings. Depending on how the ownership question worked out, profits would either come from a levy on timber paid by FE to the community as part of a joint management agreement; or they would go directly to the community trust if they owned the land. There were also plans to link up the NSCFT with other local plantations in the area to share the profits and investments across community/crofter forests in the whole district.

What brought so many communities together?

As well as the impact of the tenure history, a number of other conditions spurred local communities to galvanise and stake a claim for Borgie forest. Other successful community-led ventures like the Assynt Crofters’ Trust, the Abriachan Forest buy-out, the Culag Community Woodland purchase and the Skerry Community Trust’s successful community enterprise were all mentioned as having boosted local people’s confidence that they “could, and should have a go” (Margaret McKay). The North Highland Community Forestry Trust (NHCFT), the Crofters’ Commission and the Crofters’ Union were also influential – as fora where local communities had aired and developed their thinking on land ownership and forestry enterprises, and how these could increase local development opportunities.

Political and agency support for bottom-up rural development initiatives also played their part. Useful groups and initiatives included the Dutchas Project, which worked with local communities across the Highlands to identify bottom-up opportunities for sustainable development. This was credited with strengthening the links between the townships; by holding meetings and seminars – during which communities identified common priorities for sustainable development; and by leaving behind a community contacts database. HIE's Community Land Unit was also a good source of advice and possible funding. The Initiative at the Edge introduced by the MP, Brian Wilson channelled agency support to local communities and improved local relations with these agencies. The most helpful was far and away the Local Enterprise Company (LEC). Caithness and Sutherland Enterprise (CASE) gave vital moral and practical support.

The idea for setting up the NSCFT was one of the outcomes of the first in a series of meetings “called by CASE to see what people wanted to do about land reform in the area” (Joan Campbell). In discussing the role of CASE another director stated that she felt that their ability to give real support to local initiatives grew out of a shift in their approach to local development over the last six years. Previously, one community had become so frustrated by CASE's lack of support for their (now successful) community enterprise that they sent a box of grass roots to CASE for Christmas. Like their requests for support, the box got no response. Since then, local esteem for the enterprise company has shot up:

“This LEC has gained enormously....since they have got over the idea that they need to buy every piece of knowledge from outside and impose rural development from the top...they have increasingly been putting their jobs in the hands of the locals, so they can now cover a different layer of the society...so, really, the ideas come up from the same people who will be responsible for *doing* them in the end”.

However, one insider admitted that CASE's approach to development was unusual for the Highland LEC's, and that it was possibly seen as a maverick or the “black sheep” of the enterprise network as a result (Enterprise Network Employee). CASE's support for this initiative was also tied to their institutional commitment to Initiative at the Edge “which we must fulfill, it has come down from the Scottish Executive that you *will* participate in this programme, and the NSCFT is probably the biggest project that was kicked off by Initiative at the Edge” (CASE employee). At the end of the day, political support published in the media was seen as the real key to getting the NSCFT off the ground. Before the National Initiative at the Edge Steering Group meeting in 1999, Alisdair Morrison went on a tour to meet local communities on the north coast. At a meeting in Tongue he was told there were some community aspirations for Borgie. Later in the day he was challenged by journalists:

“...that afternoon, Grampian TV were interviewing him, and they said: ‘What’s this Initiative at the Edge thing about anyway? You haven’t produced anything’; and didn’t he reply ‘oh, but the community here are going to be involved in Borgie Forest’. He made this pronouncement, so, I suppose in one way the agencies were charged to make it happen...although I don’t think he ever thought it would go as far as it has. I think he was talking about a nice, friendly management agreement at the time, I don’t think he *ever* dreamt that a few months later we would be banging at his door saying: *give us it!* We don’t want to buy it, we want you to *give* it to us, I don’t think he ever thought that would happen...” (Anna MacConnel).

Whilst some local people felt that Dutchas and Initiative at the Edge had done a lot of groundwork in bringing the communities together to identify their own priorities and options for development in the area. Others felt that whilst these initiatives had fostered “a positive mindset amongst the communities”; the Dutchas initiative had been “left hanging” there was some disappointment locally that “nothing really came out of it” (Robert McKay). Likewise, people were dubious about the influence of Initiative at the Edge – beyond giving the local community a political lever to force the government to show commitment to community born initiatives. Three participants felt that the real credit should go to the North West Development Programme, which “had already put some sort of coherence in the place, before that there used to be very little contact between the townships the situation was very bad, the area was depopulating rapidly and there were so few opportunities. There still are very few opportunities, but at least now the communities are organised and to get together and make our *own* opportunities”.

Representing Local Interests

The Trust represents 332 members. Each township is represented by a director who is their link to the Trust. On one hand the size of the board and the membership was a disadvantage for the Trust – simply because of the cost and effort involved in communications, sending out questionnaires, collating responses, running consultation exercises and events. On the other hand it gave them a strong mandate. The size of their membership was felt to give them leverage over government decision-making processes:

“They have done extremely well, they have worked very hard to get information from *everybody*, you’ve got to really take your hat off to them, they have gone from nothing to being a force to be reckoned with...but without the basis of the wider community backing they wouldn’t have got that far” (FE Employee).

The FE staff I spoke to in Dornoch and at the territorial head quarters in Inverness had some doubts about how well this or other community groups actually represented local interests. The

head of the Caithness and Sutherland forest district did say that the way the Trust was established was very democratic and inclusive. This said, there were also some reservations amongst FE staff about whether the Trust really represented a genuine consensus of local people's views and needs. One FE employee indicated that the Trust might not appeal to some community members who felt that the Trust was a forum for "folk who weren't of their ilk". There was a feeling that the system of directors forming the communications link between the Board and each member townships was "very variable to be honest". One point of confusion for FE staff was that the Trust was pressing for ownership of the forest, but their own Planning for Real consultation exercise had resulted in "almost no" indications from local people that they would like to own the forest. On this basis that they questioned if the Trust really represented a local consensus. One of the people involved in this consultation exercise felt it had not been open enough: the Planning for Real exercise was framed to invite inputs on how FE should manage the forest (the question of ownership was not on the table), and too many FE staff were present for local people to feel free to make criticisms or question the ownership of the forest.

Public interest in owning the forest came out after consultations done in partnership between the Trust and FE, and questionnaires sent out by the Trust. When all was said and done, local FE staff felt the Trust was "very valuable" to them because "there is no doubt that *at least*, it provides *very* local feedback from the Trust as a whole and that's a good thing, and it is certainly the case that there has got to be some sort of filter, some sort of communication device" to feed back community views to Forest Enterprise. Other benefits FE saw with the Trust was that it led to "more diverse and more creative ideas" for forest management. Whilst one employee felt strongly that local people should be involved, he also felt that there should be a limit on this involvement. He felt that "there comes a point when you can just have far too many people trying to have a say, this leads to everyone fighting". To avoid this risk, public involvement shouldn't "go all the way to the top". This employee also questioned the local community's capacity to manage a forest effectively. The common FE position was that the community should settle for a management agreement:

"Whether they are going to bite off more than they can chew nobody knows, indeed they will not find out until they have done it...I think personally, both sets should work together to get a good management agreement...I think they should help us run it, but I don't think they should own it. The Forestry Commission has been going for almost almost 100 years, and it knows what it's doing. Contrary to belief on some occasions! I think they should help us, but I don't think they should own it" (FE Employee).

Management Agreement vs. Ownership

FE favoured a partnership, but the NSCFT's priority was to investigate the possibility of owning the forest. They had discussed the ownership question with community bodies that had formal management agreements with FE and with other communities who had bought forests from the Commission. The advice coming back suggested ownership was better than a management agreement. This was reflected in a recent evaluation of the Laggan Forest Trust's management agreement with FE for Strathmashie Forest:

"Ultimately, it appears that the issue of authority hangs on the issue of ownership, unless the Commission's understanding of partnership takes a quantum leap forward...The ground rules for FE's management of Strathmashie Forest have undoubtedly changed, but the culture and norms of the institution which has to apply these has not yet adapted fully."¹⁶

The Directors also had experience of running a number of other community development initiatives. This experience and advice from other initiatives around Scotland also made them err on the side of ownership. They were concerned that if they didn't own the forest they wouldn't be able to turn the Trust into a self-sustaining community business in the future. They were not in favour of running the Trust with funding on a project-by-project basis. They preferred the idea of having a steady income from forestry rather than be in a "start-stop situation, where you get funding project-by-project and it lasts for three years, then everything comes to a galloping stop" (Sandy Murray).

The Trust was investigating the possibility of ownership in negotiations with the Forestry Commissioners and the Scottish Executive. In the light of the recent transfer to the Duchess, and the original Duke's conditions, their favoured option was that the government should give the forest to the Community Trust free of charge. Currently the land (solum) is owned by the Scottish Ministers, and the trees by the Forestry Commission on behalf of the nation, "and the whole caboodle is managed by forest enterprise". The Trust felt that there should be no difficulty in transferring the land to the community. Forest Enterprise would continue to manage the land in partnership with the community, and profits would go to the community enterprise.

"Going for ownership" was not without qualifications. There was awareness that it would bring heavy responsibilities for the local communities because "you can't take these things on lightly, it would be a case of be involved or be blazed". During a focus group discussion I had with members of two local townships there was a strong feeling that the Trust should press ahead for ownership. Participants felt that the local community would have more freedom to diversify

¹⁶ Tylden-Wright, 1999.

forest management activities, and access alternative grants for which FE is not eligible. FE was too limited by national policy, to what it could and couldn't do "without the say so of the government". One focus group participant felt very strongly that it was time the community took over from the government, because the local community were in a much better position to identify and run different initiatives deliver benefits locally. There was also a strong feeling that if they owned it "the community up here will promote the forest no matter what" (Margaret McKay).

Before the forest could be sold or transferred to the Trust, Forest Enterprise would have to recommend to the Commission that the forest should be put on the public disposals list. The Commission had previously operated a policy of providing local communities with an option to buy land on their disposals list, giving them time to put together a management plan and a funding package. At this time, they had put a moratorium on all public land sales pending the outcome of the land reform proposals. Even when the moratorium was lifted, the Trust was not convinced the Commission would put the forest on the disposals list:

"They see it as being too valuable, I mean what Rhona Brankin says in a way has truth in it, because she is looking at the *money* value of it, but by the same token without the goodwill of the community it has little or no real value to it" (Joan Campbell).

At this time there were six very small blocks of forest on the list for this district. FE had established criteria for putting forests on the list. Decisions were based on the most economical way to rationalise the forest estate in a district. Blocks would be put up for sale either to raise income to purchase another, more viable area or to dispose of areas that are less efficient to manage as part of the core forest estate, because they are small and/or remote from the main forest areas. Financial considerations were the "most significant" criteria used for deciding which areas of forestry to place on the disposals list (Forest District Manager). He confirmed that no valuation of the Borgie forest's worth had been carried out "in detail", because the Forestry Commission had no plans to put the land on the public disposals list.

I attended a meeting between the board of the Trust and the UK Forestry Commissioners during this case study research. It was a good opportunity for the Trust to "have an innings with them", to put their case for ownership and outline their plans for managing the forest. Some of the commissioners were sympathetic, some were supportive and others dubious about the community's claim. The claim was subject to an official review by the Scottish Executive. The review was being carried out by Sue Reilly, who was seen as "a bridge between us and the Executive...she saw both sides of the picture very clearly. I think she saw what we were doing as

being something very valuable to the community...but she is in a difficult position” (Joan Campbell). In the meantime, FE continued to manage the forest on behalf of the state as land owner, with significant inputs from the Trust.

Land Use and Local Priorities

Borgie Forest

Individual motivations for joining the Trust were linked to people’s priorities for the overall development of the area, as well as specific priorities for the forest. Joining up was seen as a way to get shared benefits for all of the communities, not just those closest to the forest. There was a strong sense of shared “ownership” of the forest along the coast:

“It’s a central point, it’s no different from a beach, people surrounding a beautiful beach here for miles away will think of it as theirs, the Borgie forest is a central point for these communities, whether you are in Melvich or Durness, it is a common attraction, people do have a strong interest in it” (FE employee).

The development value of Borgie forest was seen as a key motivation by one of the local forest enterprise employees “because of all these grants, and what-have-you, they think...as a community what can we get out of it? Don’t forget you have got one of the finest forests in the North of Scotland, so if you could control this, well from a community point of view, it’s very attractive”. The perception that potential benefits were being taken away at a high cost with very little return to local people also made it easier to recruit members:

“...there was anger and disappointment at watching the lorries rumblings by, by the hour. Taking all the wood away and knowing that was doing no good whatsoever to any person in this area. Not only was it doing no good - it was taking tax-payers money out of the area, because of the impact on the roads...so they became members, willy nilly” (Joan Campbell).

Forestry was universally a “recognised asset”, a viable and sustainable land use that could benefit local people. Potential benefits from more community involvement included locally procured timber being available; developing more social and educational benefits from the forest. The possibility of creating more jobs, either through work in the forest or via processing timber and making local wooden crafts and other produce was popular with everyone. In relation to handing over more control or ownership of the Borgie forest (and potentially others in the area) one resident said: “essentially, what’s the hassle? Except that the money coming out of those places would come to the communities to help us make jobs...to make *things happen*”. (Pat Rodlin).

Local Employment

People's accounts of the employment situation in this area were pretty bleak. Local FE staff felt that employment opportunities in forestry were worse now than in the past, because the private forestry companies were "downsizing terribly" due to the fact that the market for Scottish wood had slowed down. He also felt that forestry was like any other rural business – employment had reduced due to economies of scale and the introduction of large-scale timber harvesting machines. Timber harvesters can grab entire trees, fell them, sned them and cut them to size in a single process¹⁷. If the forest estate in a district is not big enough to justify investing in a harvester then FE will sell standing trees to a sawmill instead. The sawmill company is then responsible for hiring contractors to harvest and transport the timber. FE manages the contract and makes sure they are "sticking to the Forestry guidelines". Although they cost £250 to £500,000, timber harvesters "are cheaper than labour and what it takes a man to cut in a day; the machine can cut in an hour". For this reason, the size of an average harvesting squad has halved in the last two decades. He felt that the loss of labour intensive work had hit rural areas hardest:

"That's just part of life, but it's probably sadder, it's become more apparent in the rural communities than it is in the cities, because these communities depend on the environment, depend on work from the land, so they've just gone to different things...the trouble is there's less for them to get into...it's just one of those things unfortunately" (Steve Jack).

Almost everyone told me they thought that their children or younger members of their township would move back to the area if there was affordable housing or "a job that would give them the same pay...and the same conditions". The current pattern is that young people leave the area to go to school and university and, in the absence of local employment and the lack of housing, they don't often return "because there's nothing here for them". Two crofters in their eighties and nineties drew parallels between this situation and the size allocated for the average croft over a century ago. They said the allocated size of crofts had always been too small "to support a family".

"...they always had to do some other work, they used to go, my father went off droving and shepherding, but the croft wouldn't have supported us...there was fishing, yes, they went for lobsters and crabs, and white fish, then there's the salmon fishing, they used to be employed in it so many every year...but it's not so good now, there's none go lobster fishing or crab fishing or white fishing from Armadale now, the salmon fishing's still in it though, it's the fellow next door to me that has it now" (Retired Crofter).

¹⁷ Snedding is stripping the branches from tree trunks to prepare them for processing.

However, one factor that did seem to have a positive influence on whether people returned or not was if their family owned a croft. It seemed to be the case that this gave people a small income “they can look to the sheep”, whilst they wait for a job. Of the ten people I interviewed in this area, they told me about six individuals who had moved back and waited for longer than six months before they found work. People also feared that a lot of young people would have to move away again once the Dounreay Nuclear processing plant was decommissioned. Although a new BT call centre had recently opened up new opportunities, working here was described by many as “the last resort”, “soul destroying” and “working for peanuts”. In this climate, local interest in the prospect of community forestry generating more jobs or supporting other development initiatives was very high.

Crofter Forestry

Alongside the communities’ interest in owning or managing the Borgie forest, there was an increasing interest in forestry all along this coast. This was a popular option for crofters. A number of townships had converted their common grazing land to crofter-forestry projects. However, discussions also threw up some examples of policy-based barriers to encouraging more regeneration and planting on local croft land. The first, which had been overcome, was related to the long-term value of crofter-forestry projects:

“Our first difficulty was getting over the threshold, because of this fifty year lead-time before you can harvest, we had to convince ourselves that we really ought to take this opportunity while it was there, **it’s not going to come in our lifetime, but it will come in our childrens’ and our grandchildren’s time**, that’s been difficult, but not anymore, I think everyone is agreed that you do the maximum crofter-forestry you can, and nearly every grazing committee along the North coast here, either has done, is doing or is getting geared up for it” (Pat Rodlin, Emphasis added).

The second barrier related to government regulations regarding the distribution of benefits from plantations. The first 100ha of common grazings converted under a crofter forestry scheme is eligible for grant-aid incentives to cover initial costs and secure some short-term returns for crofters. Anything above 100ha is not eligible for grant-aid and the trees (and therefore, the profit on harvest) will belong to the land owner, not the tenant crofters. As one local crofter commented: “If we did more it would belong to the land owner, and there would be no point in us investing in that, now, would there?” (Sandy Murray). A local forestry NGO representative explained to me that part of the appeal in owning Borgie forest was due to the realisation - in some quarters - that “with all these young plantations coming in from the crofter forestry, then if we had forests like Borgie, and Naver and other pieces of forestry they could be the engine to get

a whole community forestry system going in the North. Local communities would have an asset they could manage as a basis for a very viable extra, economic boost for the area, well, *future* for the area, let's say...because, once you got it ticking you would have what constitutes a 'normal' forest¹⁸.

Locally Procured Timber

Another local community-run initiative, the Armadale Project (TAP) was getting off the ground whilst I lived there. This group had plans to renovate the small community hall and Kell's croft house (an original croft house in the township) and set up a community run visitor centre offering teas and coffees and exhibitions about local history and the environment. They hoped that this would bring tourists to the township and provide an income for some residents. A major source of sadness amongst this community was that the population in their township had been in decline for the last decade. There were only two children living locally and the local residents had decided that this was unlikely to get better if they didn't take positive action. They had approached Scottish Homes and Albyn Housing Society for support to build affordable houses to attract "new blood" into the township. On this project they were working with an architect who specialises in "sustainable energy housing"; and hoped that they would be able to use wood from the Borgie forest to build the houses. The problem they had was that the wood would have to be sent south for treatment, which would increase the cost of the project. However, they were looking into the possibility of finding a treatment plant nearby that might reduce the transport costs. Another township also ran its own community initiative, which had been set up to improve the tourist facilities at Strathay car park, this group also planned if possible, to use wood from the Borgie forest to build "traditional, scrolled wooden toilets".

In addition to demand for locally grown and treated wood and craft products for various community-run initiatives, I came across people who resented having to travel to Inverness to buy wood for essential fencing and building work. They hoped one benefit of the community Trust would be a return to the days when FE had sold timber for fenceposts and building work locally. FE was open to this option, but felt that it might take some time before "a very significant proportion" of timber coming from the local forests could be marketed locally. In the meantime, FE and the Trust were working together to develop plans for increasing local timber markets. The Trust had commissioned a feasibility study to assess local market demand and help them develop a strategy for increasing local markets in the future:

¹⁸ A *normal* forest can be harvested at the same rate and pace at which it is re-stocked – therefore it is

“...but until that time, timber will *inevitably* leave a forest and may well have to go quite some distance to get to a *significant* market... we are trying to look pretty intensively to see whether we can reduce that. Just like everyone else involved in the community Trust, we sincerely hope we can, but the basic economics and the basic market and population structure of the North Sutherland area, means that there won't be a very large market for *anything* made of timber, but hopefully we can find enough niche markets and possibly displace things like fencing materials which are coming from elsewhere, by locally produced products, and if we can, well that will be great” (Forest District Manager, Dornoch).

Tourism, Social and Educational Development

There was strong interest in harnessing the social and educational value of the forest for local people. This was partly inspired by events run by the local community, facilitated by FE's community forestry facilitator¹⁹. The pilot project to test community forestry facilitation had since ended, but local people were keen to continue and extend these activities much further. One local resident explained that “forests are vital for local communities” as sources of family activities and recreation, but equally because they could be used to teach young children about their environment, and improve their understanding of how forestry works as an economic activity.

People were very excited about the prospect of holding more arts events; and open days that would bring people from all along the coast together. This was after the success of the recent open day organised jointly by FE and the NSCFT. The day was hugely popular. People appreciated the opportunity to take guided tours of the forest and hear about FE's management plans, and to give their opinions about future options²⁰. It was also fondly regarded as a revival of the old Bettyhill Gala – because it brought people “from far and wide along the coast together again” (Margaret McKay).

Whilst there was widespread enthusiasm for the social, recreational and educational potential of community involvement in forest management, this was qualified by a keen understanding that these benefits could only be delivered and maintained if the forest worked well as an economic enterprise too:

sustainable over the longterm.

¹⁹ See McGrath, S. 2002. This pilot project was intended to improve community involvement in all aspects of forestry, but the facilitator in this area had limited her activities to facilitating local communities to run arts and educational events. Her role had very little influence in stimulating the communities' wider interests in forest management.

²⁰ Reforesting Scotland, 2001.

“...it’s *good*, but if they could combine the commercial aspect of it, and the environmental aspects, in other words benefiting the local community by giving them somewhere to go, something to get involved in *and* marrying that with the commercial side, *making money*, at the end of the day they need to make money it needs to be *viable*... it’s difficult, the two things are sometimes incompatible, making money and also investing in the community. You walk that tight rope all the time with a thing like this” (Christopher McKay).

One of the ways people thought that the forest could boost income for the whole area was if it was developed as a tourist attraction. One of the Directors of the Trust was also a director of CASE, representing local tourism interests to the LEC. She explained that the impact of the recent Foot and Mouth disaster had “brought home to them, the value of tourism to the area, people are more and more realising where the pound in their pocket is coming from because it is filtering down from tourism again and again” (Joan Campbell). This realisation was linked to local expectations that Borgie could be further developed “in an environmentally sensitive way” for tourism. People hoped to see more walks, art installations and educational or interpretative facilities in the forest. Again, this was qualified as an objective for local people, several of whom shared the view that they “would sooner see employment, tourism in itself could bring small scale employment and benefits for other businesses, but we would sooner see employment for local people”.

Housing

Demand for land in this area is driven by housing needs and groups who wanted land for community development initiatives. There was a common feeling amongst local community members that there just wasn’t enough land available to support local people. Although crofting rents are very low, examples were given where crofting land had changed hands between owners and the new owners promptly had tried to increase the rent. Fountain International, a commercial forestry company had received a “bad press” when they first bought land with crofting tenants near Melvich. Their first action was to increase the rent “by the exact amount of times as the law would allow, well one says that the rent was increased - it wasn’t a huge amount to start with. What makes that unpalatable is the fact that if you wished to buy your croft – the law says the price will be multiplied by fifteen times the rent”. This same concern over rents had motivated the crofters at Borgie to challenge the Sutherland Estates’ proposal to increase their rent, and lodge an appeal with the Scottish Land Court.

Affordable housing was again seen as integral to keeping young people in the area. One local B&B owner described a frustrating and long-drawn out struggle she and her son had gone through to get a croft and house for his young family. They wanted to have a neighbouring croft – held by herself and her husband – assigned to him. This would give him the legal right to build a house there. Although dealing with the Crofting Commission was difficult, she was keen pursue the claim through the Young Entrant's scheme because she felt that if they were successful it would set a precedent and help other young people facing similar difficulties in the area. The essential problem was that the Crofter's commission require people to de-croft before supporting an application for a mortgage.

“Och, it took a lot of perseverance! We just wanted to get some land so my son could build a house - to assign the Croft to him and once he got the Croft he was then free to build his home on it which would retain him and his family here, otherwise he and his family were off, and we almost lost him. There were tremendous problems for young people getting houses here. They couldn't get mortgages on a croft unless they first decrofted, well that's like putting the cart before the horse. You didn't want to decroft until you got your mortgage. So it was going to be a test case, it was going to be getting a mortgage prior to decrofting, and we had gone well down the road to that happening, but the crofting commission turned the wheels so slowly...”

However, her son had eventually become so frustrated he took out a bank loan to try and buy the land from the land owners instead. This also proved very difficult. They hired lawyers to “push the land owner's lawyers” because the land owner felt that the size (one acre) they wanted was “larger than what they normally would allow”. After two years of “wrangling with the Commission and the land owner, the old maps and the banks”, they were eventually successful, but the experience was stressful, and they were not able to set a precedent for other young people who wanted to build a house. This situation illustrated the keen desire expressed during the focus group discussion and in all of the other interviews for this case study, to retain young people – especially those with children, in the area. This was seen not as an individual benefit, but as a benefit worth securing for the community as a whole.

Land Reform and the Community Right to Buy

The Trust's main interest in the land reform proposals was whether they would help their case or not. When the latest set of proposals had come out for consultation the directors who were responsible for investigating the case for ownership found themselves “glued to it”. The directors who had offered to respond to the Executive's consultations told me they were disappointed that the new right to buy for crofting communities only included land under crofting tenure. This meant that they would have to go through a process similar to the general community right to

buy “which gives us no more leverage than we have already”. Some people felt that the Bill didn’t provide specific guidelines giving communities who wanted to buy *state* owned land a right to buy. They felt that the final bill was not going to help local communities in their position. Essentially, the question people were asking was: if the state wanted communities to have a right to buy, why couldn’t they have a right to buy state land?

“...It is ironic...They didn’t foresee a situation like ours and the proposals don’t address it. Even those who *must* have been aware this was happening ignored it or didn’t think it was important enough. I don’t think they thought it was important that one small community wanted a Forest, by comparison to all the communities in Scotland. Why should they take into their bill something that was specifically designed to help one community? The other way of looking at that of course is that this might come up time and time again, and, *oh it will*, especially if we are successful. There will be a precedent; it will be referred to again and again” (Joan Campbell).

A local FE representative felt that the government had to be very cautious about making it easier for communities to buy publicly owned land. Outright ownership by a local community might reduce the value of the asset to national tax-payers. Given this national interest in public land; and the trend in public bodies being increasingly “charged with working as constructively as we can with local community groups”, he questioned if there was a need to change the ownership of public land. He felt that the government was creating more and more opportunities for local communities to influence public land management and increase the flow of benefits to local areas. It made a lot more sense to encourage local community ownership of land that had been privately owned:

“...because that is a broadening of the ownership base, the distribution of ownership is widened and the level of *control* over what benefits the land asset provides to the local economy...is suddenly much much better, the proportional benefits of a local group engaging in acquisition of private assets in *that way*, will make a marked difference”.

This participant felt that there was “a certain nonsense” in the idea of public money being used to help a communities to purchase public land, as this would effectively led to a “more limited ownership base” by taking the asset away from the national public.

Another issue that came up with the proposals was that the government might have to review its definition of community. The feeling was that a diverse group like the NSCFT should not be discounted from the new provisions because they didn’t fit the definition of a “community” as a group who lived in the same area and were all registered on the electoral role for a single ward. It was felt that the government should consider communities which are spread across a sparsely populated area, but feel that they are a member of a wider community “through family and

friendships, relationships and the need to get from A to B, all this brings members of this community together”.

Doubts about its overall effectiveness aside, there were one or two things about the land reform package that were of interest here. The first was the abolition of feudal tenure and the second was the ability for a community right of pre-emption. Did the 1961 pre-emption clause apply to the remaining Borgie forestry land? This had become a critical question. There was a great deal of confusion over the question of a) whether the clause applied to the forestry portion of the estate and b) if it did apply, what could trigger it? The Trust had consulted a number of legal experts on this subject. They got a set of contradictory interpretations. One option open to them was to request a Note of Waiver from the Duchess – stating that she would not exercise her right of pre-emption. The board were loath to approach the Estate for a waiver in case this triggered another surprise, non-public transfer. “If FE “were to say, have it for £1, the Estates could turn around and say we’ll give you £1.01 and we would have lost the rest of the land too” (Anna MacConnel).

As a result, The Trust was very interested in the pre-emptive rights that would be given to communities under the proposed land reform bill. Both the NSCFT and the local townships living on the land gifted to the Sutherland Estates in 1993 intended to pre-register their interest in buying the forest and the crofting estate as soon as the bill was passed. This would give the NSCFT a right of pre-emption which would supercede the Sutherland Estate’s old right (abolished under the Abolition of Feudal Tenure Act). However, until this legislation was in place the NSCFT were content not to “take that skeleton out of the cupboard publicly”. The District FE representative had no knowledge of the 1961 transfer and addition of this pre-emption clause, and was therefore unable to make any comment.

The crofters’ right would only be activated if the Sutherland Estates decided to put their land on the market. This raises the spectre of a local community having to pay market rates for land that was handed to a landed family for nothing or at the most a fraction of its value by the state. Another two townships in this area stated that they would also register an interest in buying land in their township. They already had development plans for what they would do if they got the land, but, again they were highly doubtful that it would come on the market in the near future. At the end of the day, like the question owning the forest, it appeared that the proposals would simply signal the start of another waiting game for the local communities in this area at least.

CHAPTER 8: CONCLUSION

Introduction: Power-Sharing and Integration in Policy Networks

This chapter provides an overview of the lessons learned by applying policy network theory to a study of the Scottish land reform process. In line with the approach adopted by Perkin and Court¹, the approach taken here extends beyond taking networks as the primary unit of analysis. Instead, the first two sections provide practical evidence that policy network theory benefits from considering how policy networks engage with *policy processes*, by focusing on how different sub-groups or coalitions within policy networks engage with existing models of decision-making. This analysis looks at existing policy processes throughout what Perkin and Court term a *policy cycle*; which runs from agenda setting and policy formulation, through to impacts and evaluation².

The first section in this chapter investigates network members' access to decision-making at the national level: the locus of agenda setting and policy-making. The second section deals with local networks: the locus of policy implementation and impacts. The approach taken here is similar to Jost and Jacob's study of environmental policy networks in Germany, which also studies how networks engage with existing policy processes and how they influence outcomes. However, there is a key difference. Jost and Jacob only included successful sub-groups within policy networks; to help them identify the "common attributes of networks that overcome the barriers, capitalise on their potential and ultimately succeed in influencing policy"³.

By contrast, I took a normative approach; including the views and experiences of not just successful networkers, but also more marginalised stakeholders at every stage of the policy cycle. This decision was influenced by analysts who have used Habermas' discourse principle to critique the democratic credentials of modern policy networks and processes; and related analytical theories⁴. This helped identify the conditions which limit democratic inputs to decision-making processes. It also highlighted that rural communities' voices are the least influential throughout the policy cycle in the context of the

¹ Perkin and Court, 2005.

² Ibid.

³ Jost and Jacob, 2004.

⁴ Mason, 1999; Healy, 1992; Payne, 2000; Petersen, 2003 and Keller and Pöferl, 2000.

twin goals for the land reform bill: delivering better levels of inclusion and facilitating community-based socio-economic and environmental development.

The next section compares national and local models of decision-making, demonstrating key differences between the models in place at each level. This approach revealed very different decision-making models in place at the national and local levels. What is also revealed is a disjoint between local and national stakeholder networks. My evaluation of local and national networks was based on the two analytic dimensions identified by Coleman and Perl⁵; decision-making models were identified and analysed by comparing the different levels of *power-sharing* and *integration* within networks found at the local and national levels. This helps to identify conditions influencing democratic involvement throughout policy cycles.

The final section sums up the findings of this thesis; and considers the potential impacts of the land reform bill at the time this research was conducted. This highlights the lessons learned about the land reform process in Scotland by using policy network theory as an entry point.

Section 1: National Policy Networks – Persuasion and Influence in the “New Democracy”

The arrival of a Labour administration in Westminster, closely followed by an independent Labour-led parliament in Scotland, dramatically changed the levels of power-sharing and integration amongst land reform stakeholders in Scotland. This national level study gave a clear example of how exogenous forces can radically change the characteristics and membership of policy networks. The presence of land reform on the policy agenda in the first instance can be put down to Labour winning the 1997 national election. Both Labour and the new parliament also explicitly committed to delivering decision-making models closely modelled on the concept of networks as a paradigm for modern governance⁶.

Prior to the arrival of new Labour with its manifesto commitment to land reform; the network promoting radical options for land reform could have been neatly classified as an issue network at the peripheral end of Rhode’s continuum. It had previously had relatively little success in getting land reform on the Conservative government’s national policy agenda, with few resources to barter for

⁵ Coleman and Perl, 1999.

⁶ Perkin and Court, 2005; Newman, 2001.

influence and limited access to core decision-makers. However, this does not help to explain their relative transformation after Labour came to power. Recent network theorists have challenged the usefulness of applying rigid definitions to network types, based on their proximity to core decision-makers and access to financial resources. They have instead identified alternative factors enabling advocacy groups to influence policy outcomes: their ability to form strong coalitions, consisting of diverse groups and organisations which share common values and information⁷. They add that coalitions depend on several sources of power to help them influence policy outcomes. A strong democratic mandate or public support for a coalition's position is identified as one of the most influential sources of power⁸. The relative strengths of the coalition-forming theory, and of Coleman and Perl's introduction of power sharing and integration as useful analytical dimensions, are tested below. This is done via application to the land reform networks before and after labour came to power and Scotland gained an independent Parliament.

When it came to setting the agenda under the Conservative government, the landed lobby represented a tightly knit, if not very diverse, coalition with strong shared values. This coalition also shared members with the House of Lords, and enjoyed very close ties with the conservative government. The conservative government had a strong democratic mandate (to run the country); but it is doubtful that their stance on land reform had strong public support, at the very least in areas most likely to be affected by reform in Scotland. Rather than their ability to form a coalition and marshal public opinion; it was their almost exclusive *integration* and *power-sharing* relationship with the conservative administration, which enabled them to capture the policy agenda and ensure that land reform remained a low priority.

Well before the arrival of new Labour, the pro-land reform network represented a diverse coalition with broadly similar values; and included members drawn from across civic, political and academic spheres. Public support for this reformist network's objectives was demonstrated by anti-land lord press coverage. Funding given by members of the public to the Assynt Crofter's Trust also indicated a large degree of public sympathy and support. The reformist network did manage to influence the labour party's decision to include land reform in its manifesto in the first instance. However, land reform was not catapulted onto the national policy agenda in 1997 because the reformist network represented a strong and diverse coalition with public sympathy; but as a result of a national election and the

⁷ Jost and Jacob, Perkin and Court, 2005.

⁸ Jost and Jacob, 2004.

introduction of an independent parliament in Scotland. Both of these events were well beyond any single policy network's sphere of influence.

This study of the agenda-setting stage of the land reform policy cycle demonstrates that Coleman and Perl's analytical focus on power-sharing and integration within networks provides a more accurate way of determining how, and which sub-groups are most likely to influence decisions. Focusing exclusively on the individual characteristics of networks, such as their ability to form coalitions and marshal public support or barter financial resources, would not have indicated that the reformist network's objectives would eventually become high priorities on the national policy agenda. The transfer of power from the Conservative to the Labour party was the real tipping point. After devolution, Donald Dewar, then the First Minister for Scotland, chose to deliver a McEwen lecture to launch the new Parliament's land reform proposals in 1998. The McEwen lectures were a rallying point for members of the reformist network. Therefore, the First Minister's presence at this event signalled a clear change in national network dynamics. When it came to degrees of integration and how power was shared, the network that convened to try and influence policy formulation under a labour government was very different to the network that had previously controlled agenda setting.

In Chapter Three, I outlined how the formerly powerful landed lobby's wine-'em-and-dine-'em-lobbying failed to have the usual effect. Indeed, the landed lobby was faced with Lord Sewell saying in public: "you lot are getting land reform whether you like it or not!" The Scottish Landowners' Federation, the Royal Institute of Chartered Surveyors, Land Owners and their agents no longer represented a dominant coalition. Their exclusive relationship with the Establishment as part of what could have been described as a core policy community had come to an end. One local land owners' representative echoed a very common perception amongst the landed lobby, which was shared by over half of the reformists:

"The agricultural and land owning lobby as a whole has suffered in the last few years, its ability to influence the corridors of power has diminished..." (Private Land Owner's Representative).

However, it was not the case that one dominant coalition was simply replaced by another. There was also a powerful coalition of conservation land owners vying for influence. This coalition was made up of conservation Trusts and NGOs such as the land-owning National Trust, John Muir Trust, and the

RSPB. These groups had already established themselves as a lobbying force to be reckoned with, prior to the introduction of the Parliament. This coalition focused its efforts primarily on influencing the rights of public access proposed in the land reform bill. They took a less proactive stance on the community right to buy and the proposal to introduce a Code of Practice for land owners; but successfully aligned themselves with the private land owners by sitting on various fora set up to deliberate on the Access proposals. Their influence over the Access issue was significant. They also signed up for the forum convened by the Royal Institute of Chartered Surveyors. This forum watered down the potential represented by a Code of Practice, by ensuring it was voluntary and drafting a generic and rather weak code for adoption by the Executive.

When it came to the community right to buy, the traditional/conservation land owning and the reformist networks had difficulty advancing their very different objectives for land reform. The core area of disagreement between the two networks was over the fundamental issues of encouraging more diversity of ownership and increasing the legal provisions protecting the public interest in land. This illustrates Jenkins and Sabatier's theory that *policy-oriented learning* amongst different *advocacy coalitions* in policy formulation will be limited because different sub-groups (or coalitions) will automatically reject options that clash with their core ideologies. This limits what Jenkins and Sabatier have termed "policy-oriented learning"⁹. It certainly seems to have limited adaptation of the Scottish land tenure system for the last few centuries. The reformist network was involved in setting the agenda for land reform when Labour was in opposition; which meant that its core ideology and objectives were automatically aligned more closely with the public objectives set for the draft land reform bill. Despite its relative wealth and professional lobbying capacity, the landed lobby could not reconcile its core ideology within the new political climate; in which social land ownership and community involvement in land management decisions were strongly supported¹⁰.

Driven by their commitment to their core ideologies, opposing coalitions will use policy instruments as levers to further their separate causes. In this instance, the landed lobby tried to influence policy-makers by threatening to use the European Convention on Human Rights if the government's final policy were to infringe on their property rights in any way. Likewise, the republican SNP spokesperson on land reform found herself appealing for the retention of the Crown (as a symbolic paramount superior representing the public interest in land) during the debate over the abolition of feudal tenure. This was

⁹ Sabatier and Jenkins-Smith, 1993.

¹⁰ MacMillan, 2000.

not because Roseanna Cunningham had had a change of heart about abolishing the position of the Monarch at the top of the feudal hierarchy. Rather, the SNP shared a core ideology with other members and sub-groups bent on more radical reform. The reformists' ideological position was that Scottish land is owned by the public and held in stewardship by its legal owners. Retaining the Crown as a way to enshrine the public interest in law was the only policy lever open to them to further this core ideology. The proposal to retain the Crown was rejected, with no legal provision for recognising the public interest in land as paramount. Members of the coalition pushing this option recognised that part of their failure to secure legal recognition for the public interest in land could be put down to the fact that their proposal came across as "confused and confusing". Whilst members shared the same core value, their inability to have this value enshrined in legislation can be put down to the fact that they had not developed a consensus on the best strategy for promoting their stance. Dissent within the coalition about the best way to protect the public interest weakened their ability to promote their shared core value. This highlights the fact that strong coalitions with shared core values also have to develop a consensus on which policy option they should promote to secure their objectives.

In the end, neither the reformist network nor the traditional landed lobby had the final say. To begin with, the landed lobby were strenuously opposed to the idea that land reform (beyond abolishing feudal tenure) should be on the agenda in the first place. The landed lobby did feel that they "were influential not least because they dropped anchor on some of the wilder ideas; for example, highlighting...the collateral damage that could be caused by the community right to buy" (Maurice Hankey, SLF). This influence amounted to ensuring that communities had to buy land as lotted by the seller, to prevent "cherry picking". Likewise, the National Trust, seen by many as a bastion of the traditional Establishment, had very little success in advancing its policy options. Indeed, it lost some of its existing legal privileges into the bargain.

Many network members still felt that traditional landed lobby and conservation owners' interests had controlled the land reform process. In some respects national network members representing traditional or conservation interests were *initially* better equipped to represent their case to decision-makers. They already had strong coalitions. These were already well connected, well-funded and professionally experienced in the art of lobbying and influencing government when the land reform proposals were introduced. However, the Executive took a proactive approach to gathering inputs and weighting the results for final analysis. This drew sharp criticism from the Scottish Landowners' Federation. When it

performed its own analysis of the consultation responses, the SLF concluded that the Executive had not taken full account of the consultation responses, which they felt supported the *status quo*. Many of those who were involved in the land reform debate, from supporters of the *status quo* to more radical reformists, also acknowledged that the Executive had tried to balance inputs by weighting its analysis of the consultation documents to account for all aspects of public opinion, regardless of how well-presented the response.

Local and national network members felt that whilst the new Parliament had made decision-makers “more accessible than ever before”. However, many felt that Parliamentary Committees still tended to prioritise “professional expertise over community inputs”. In what was frequently named the “new democracy” it also took slightly longer for NGOs representing more radical land reform interests to join forces as a counter-balance to the professional expertise of more experienced, and more conservative lobbyists. Reformists acknowledged that they had been through a steep learning curve whilst “trying to establish a standard of communication that they (decision-makers in Parliament and the Executive) can use”. This problem was also highlighted by a Member of the Scottish Parliament, who said that the Executive and Parliament also had to learn to seek and include a wider range of inputs:

“I don’t think that the voluntary organisation or groups...had really understood the enormous demands and pressures that were going to be made by this new form of democracy, this new access, because...the openness of Parliament and the Parliamentary Committee system has put a lot of pressure on a lot of organisations that discovered that they couldn’t *afford it* in terms of time, resources or whatever...it is then only human nature to respond to the best-resourced argument. Because it is well presented in a format you recognise, it’s properly resourced, I think that is an enormous difficulty that has emerged and it’s not just in the context of the land reform debate, it’s right across the board” (Roseanna Cunningham, MSP, SNP).

However, the case study research findings demonstrated that more input could have come directly from local communities. Although they had strong opinions about the proposals, it was also clear that local people were unsure what the proposals outlined in the consultation papers would actually mean for them. “There’s various sort of confusion... about *what* Land Reform will bring, what it *could* bring, and how you can affect that and whether there’s any point in trying to change it...even trying to influence the debate, how *do you* influence it?” (Local Community Trust Director). The Parliamentary Committees and officials within the Executive who were responsible for the process, did provide “an

extremely useful” public telephone helpline; and held meetings and workshops with local communities to canvass local opinion. Beyond this, members of the national network pointed to a few factors that had limited local input to this national process. The first was that whilst the government’s workshops and visits to local communities had been helpful, the agenda for these meetings were set by the “government’s own analysis of what was wrong”. Secondly, a lot of people felt that the initial dialogues between government and civil society and communities had been “immature” or “unsophisticated”; because the issue had been off the national policy agenda for so long.

In addition to these difficulties, the Community Land Action Group, effectively the only national body set up by local communities to represent their own interests in land reform, was not formed until after round three of four rounds of public consultation had already passed. This, and other difficulties faced by the Executive, Parliament and civil society in adjusting to Scotland’s new democracy meant that the agenda for reform was set before direct or bottom-up community representations were made to government.

At the end of the day, the final land reform package was not dictated by either the reformists or the wealthier and more experienced lobbying machines representing traditional landed and conservation interests. This challenges the assumption made by policy network analysts that policies will be more heavily influenced by “core policy networks”, which are able to barter financial and professional expertise for influence over the final outcome. Instead, the civil servants responsible for this process can be credited with a single-minded pursuit of the objectives set for the bill, by taking a balanced approach to weighing the responses and lobbying that came their way. In this respect, the decision-making model set up to handle the land reform policy formulation process was relatively well equipped to deliver balanced network governance at the national level.

The next section looks at the situation on the ground. It considers how well adapted the local models of decision-making were when it came to involving local communities in implementing a wide range of land based policies with an impact on their development opportunities.

Section 2: Comparing Local Policy Implementation Networks

In presenting the case for land reform, the first consultation document opened with the assertion that “Land is a key resource. The life chances of people living in rural areas depend on how it is used. All too often in the past, the interests of the majority have been damaged by the interests of the few who control that resource”¹¹. The new Parliament made a parallel commitment to improve levels of democratic inclusion in local land-use decision-making, to secure better representation for the “interests of the many”. In the introduction, I outlined Jost and Jacob’s observation that the state’s ability to include a wider range of policy actors in decision-making processes can mitigate against policy failure¹². In this context, this section considers how the state interacts with local actors during the later stages of policy cycles, when it comes to policy implementation and impacts. This section analyses the levels of integration and power-sharing within the models of decision-making encountered during the case studies. This indicates that there is a lot of scope to improve what the Berlin school have labelled the *participatory*, *integrative* and *strategic* capacities of local models of decision-making in rural Scotland¹³.

It was not possible to evaluate the implementation and impacts of the land reform bill; given the timeframe for this PhD research. Therefore, this analysis identifies the underlying conditions affecting local communities’ opportunities in the context of the twin public objectives set for the national land reform process, as they stood when this research was conducted. The section starts by identifying the role played by different sub-groups operating in local level policy implementation networks. It closes with a consideration of how local decision-making models could be adapted to deliver more effective and inclusive network governance, based on local people’s recommendations for improving the decision-making model represented by the Scottish planning system.

Networking with Local Government Agencies and other Institutions

Local people identified a number of ways to improve access to decision-making and control over land-based decision-making; beginning with the agencies and government institutions responsible for implementing policies, and moving on to look at improving the accountability of private and

¹¹ The Scottish Office, 1998.

¹² Jost and Jacob, 2004.

¹³ Janicke, 1997.

conservation Trust land owners. Local people also identified a wide range of options for reforming other policies and implementation processes to help remove “the land based barriers to sustainable development”; over and above what was included in the land reform package. This section also indicates that there is scope for local government agencies to facilitate better *feedback loops*, to help ensure that national policy formulation is based more firmly on local needs and views.

Local experience indicated that although relations with national government agencies and institutions had slowly improved in the last decade; there was still scope to improve levels of power sharing and integration within local networks by institutions like Scottish Executive Environment and Rural Affairs Department (SEERAD); Scottish Natural Heritage (SNH); the Forestry Commission (FC); Forest Enterprise (FE); the Scottish Environmental Protection Agency (SEPA); Highlands and Islands Enterprise (HIE), with strong criticisms of some, but not all members of its network of Local Enterprise Companies (LECS); and the North of Scotland Water Authority (NOSWA).

There was evidence from Borgie and Assynt that local development opportunities for improving housing, renewable energy generation, crofting, conventional and organic farming, eco-system management and tourism were sometimes hindered by the high transaction costs of dealing with government institutions and local private landlords. This was especially the case if an initiative required interaction with more than one at a time. Suggestions for minimising the transaction costs, or improving the level and efficiency of network integration with government agencies included improving local-level coordination between the agencies themselves; automatically including local community representatives in their decision-making processes; opening up the central administrations to inputs from local communities *and* their own locally based staff when formulating policies and guidelines for implementation; and providing better feedback on how local inputs have influenced their activities at the national and the local levels.

Where local communities did have direct contact with government agencies; people commonly said that agencies should have more flexibility to respond to local problems when implementing centrally issued policies. There also was a strong feeling that local people should not have to resort to using media and/or political pressure for every point of contention with an agency.

The debacle between SEPA and local crofters in Assynt over SEPA's attempt to charge them for a sheep dip licence it had just banned; demonstrates the variable ability of different agencies to work constructively with local stakeholders, or allow them to influence their decisions. Some agencies, notably SNH and Forest Enterprise, were credited in with slowly changing their approach to opening up their decision-making to local people. Likewise, agency staff in three of the case study areas referred to a "two-way learning process" between their organisation and local people; as they adjusted to working more closely together. On the whole, however, local people and agency staff both felt that their relationships still had some way to go.

Improving consultation processes was cited as a high priority for agencies like SNH, and actually introducing any local consultation in the first place, should be mandatory for agencies like NOSWA and SEPA. Mention of local government consultation frequently brought up negative phrases; such as "ignored", "predetermined", "disillusioned" or "disempowering". On the other hand, Forest Enterprise's close working relationship with the North Sutherland Community Forestry Trust demonstrated how changes in the national political outlook, combined with grassroots pressure, had gradually improved local levels of integration within local networks working on a wide range of forest management activities over the last decade. Whilst some agencies are integrating a wider range of actors in their daily activities or specific initiatives; they stop short of sharing power. This is illustrated by the fact that local people felt their inputs have no impact on consultation outcomes. Another example is that whilst Forest Enterprise had gradually integrated the local community forestry network within its management systems; it fiercely resisted handing over ultimate power over forest management by ceding ownership to the local community.

A common theme in many of the case study interviews was that local people felt that local agency employees were often put "between a rock and a hard place"; due to the "intransigence" of their central organisations. Essentially it appeared that central agencies would benefit by demonstrating that they are prepared to share power with local people by paying real attention to the results of community consultations. Equally, some local people pointed out that the central agencies were wasting a valuable source of consultation and engagement by not listening more to their local area staff. This way they might resolve the paradox between local support for their overall objectives and their local staff; given that the central institutions were frequently regarded as "inflexible and dictatorial".

Research Agendas and Feedback Loops

Local people's observations about national research agendas provided a straightforward way to improve links between local experience of policy impacts and national policy making processes. Alongside central agencies relying more heavily on inputs from locally based staff when formulating policy and methods of implementation; this could help close the loop in policy cycles by creating a feedback mechanism to national networks. When looking for a suitable case study, I discovered community land owners were overwhelmed by requests from researchers from universities, agencies and private research institutes. However, they often felt the results were not very useful to them. Community land owners and other groups involved in community development initiatives had clear research requirements of their own. Local people identified a long list of practical research requirements, which they felt would improve local policy impacts and support community development initiatives.

Many local people involved in this research felt results could have more practical value if they had some input to the research agendas set by government, research institutes and Universities. They would also like involvement in designing individual projects. Countless community members specifically mentioned that SNH could produce more research on the socio-economic side of conservation; and move away from single-species research to holistic studies of eco-system management, taking account of socio-economic development opportunities. While they have an official socio-economic remit, of the hundreds of studies published by SNH in 2001, not one focused on socio-economic impacts or aspects of conservation activities. I raised this point with the Chairman of SNH. He acknowledged that this was a problem they were going to have to tackle; at least when it came to their website design:

"It probably is a legitimate criticism of the web site, it is biased in favour of those parts of the organisation that have been very active, and it has developed so quickly that's probably not surprising to an extent, we are investing a lot in the website, it is part of our public accountability drive" (John Markland, Chairman, SNH).

This is one area where government agencies might develop more successful rural development networks with local communities. By involving them in setting their research agendas, they can develop shared strategies for delivering communities' and agencies' objectives and interests. A good

example of this was the feasibility study commissioned jointly by the North Sutherland Community Forestry Trust and Forest Enterprise; and part-funded by SNH. This formed an objective and independent basis for all organisations to develop a shared strategy for increasing local forest-based development opportunities. The National Trust and the Glencoe Action group welcomed the arrival of the Petitions Committee. Both sides felt that, in the climate of distrust and mis-information surrounding the contested planning application, an independent and objective assessment was long overdue. In the future, it might not be necessary to involve the Petitions Committee if local people are satisfied that they have been involved in determining what information has been used to inform local decisions at the outset.

At the end of the day, this same point could be applied to many of the barriers to public involvement in rural development activities. As one local resident pointed out, most local frustrations could be put down to the fact that they felt excluded from the processes of *setting agendas* for local development and only had an opportunity to comment when “the plans were already too far down the line”. This is also one area where the government agencies could improve their performance in relation to the strategic capacity¹⁴ of local decision-making models. If local communities are routinely involved in working together with various agencies to develop strategic plans for implementing national objectives, there is an increased likelihood that policies will be supported by local communities, reducing network conflict, non-compliance or policy failure.

Local Civil Society Networks

Local civil society networks played an important role in facilitating better integration within decision-making networks; and leveraging more control over outcomes for local stakeholders outside government or established land-owning institutions. They provided different levels of opportunity for local communities to influence decision-making or create opportunities for local development. They also provided agencies with a representative “single port-of-call” for local level consultations.

¹⁴ See Chapter 1, Page 23. **Strategic Capacity:** Janicke describes this as “the capacity to *implement* comprehensive and long-term objectives in a well-coordinated manner with sufficient staying power” (1992: 55).

This research demonstrated that there is, however very varied local community capacity for leading and running successful local development initiatives. The outline of voluntary and paid activities by local people, listed in the methodology, illustrated that paid employment exercised a fraction of the expertise local people were developing via local community-driven development initiatives. Involvement in local initiatives built skills and experience in “getting things done”. They also built confidence in dealing with national agencies, and influencing local policy implementation and development choices. They facilitated integration within local decision-making networks. The knock-on effects of successful bottom-up initiatives were also very clear. Countless people said that Eigg, or Assynt or even smaller initiatives run at the Township level, had played a big part in motivating them to act collectively to improve local development opportunities. In this respect, one of the most useful sources of support came from networking between local community organisations; sharing information and learning from each others’ experiences.

Some local civil society networks had remarkable success integrating within the institutional and land-owning networks which had previously controlled decision-making. One thing that seemed to make a difference was the existence of a supportive “network facilitator”. HIE’s Community Land Unit was a highly respected, and very welcome new institution giving “invaluable” support. The performance of the LEC network in this regard was very variable – some were praised and some universally ridiculed. All in all local people highlighted that there is scope for improving LECs’ ability to identify and support viable development and employment opportunities; and to work with local communities to grow bottom-up development initiatives, instead of trying to “import sophisticated but ill-fitting blueprints from elsewhere”. Initiatives like Dutchas and Initiative at the Edge had clear benefits. They conducted participatory research to identify local people’s objectives and priorities; and provided people with simple tools like databases of local community members; facilitated links between local communities and between these communities and government agencies; and identified common interests and options for sustainable development amongst local communities.

Conflict Networks

Not all local civil society networks were set up to try and increase levels of integration in land use and management decisions, by working more frequently and productively with local agencies. Some were

set up solely to challenge the power of what could be termed a dominant coalition controlling decision-making. The case studies provided examples of various local “conflict networks”, which evolved to oppose dominant decision-makers¹⁵. Examples included the Assynt Crofter’s Trust’s battle with SNH to push through their planning application to develop a hydro scheme; the demand for ownership of the state-owned Borgie forest; and the protracted dispute over the planning application for the National Trust’s new visitor centre in Glencoe. Driven by their commitment to shared local development objectives, local communities called on a wide range of resources to further their cause.

The North Sutherland Community Forestry Trust was part of a strong coalition between the Trust, Forest Enterprise, SNH and the local enterprise network, which regularly worked together to deliver local development initiatives and increase the socio-economic benefits flowing from the management of the Borgie Forest estate. The Community Trust appealed to national politicians, rallied a broad base of local support from other civil society networks; and was able to meet directly with the forestry commissioners to present their case. However, they failed to secure ownership of the Forest estate because the Forestry Commission held the most powerful card: they owned the forest and were not willing hand it over.

As land owners the Assynt Crofters’ Trust was in a stronger position when it came to pushing through their development proposal for a hydro scheme on Loch Poll. However, the whole scheme was jeopardised when the RSPB and SNH lodged objections on the grounds that the development threatened the habitat of a pair of black throated divers. SNH objections have to be overcome before planning permission can be granted. The only way local people can counter an SNH objection is if their argument is accepted as “scientifically valid” by SNH. Their powerful position as statutory consultees on planning applications enabled them to veto a project which, in other sectors, fulfilled two separate national policy objectives; to reduce carbon emissions by supporting renewable energy production, and to support self-sustaining local community development initiatives. Although SNH has a statutory responsibility to promote *sustainable* development within the current planning system, it took a high-level political intervention to encourage them to find a way of resolving this costly dispute with the local community over national policy implementation. Lord Sewell’s intervention literally forced the central agency to the negotiating table with the local community.

¹⁵ For definition and other examples of a policy conflict network, see McGrath, 1999.

The Glencoe Action Group consisted of a very loose coalition of local people who did not necessarily share the same objectives or ideological motivations for opposing the National Trust's planning application. Some members were motivated by individual commercial interests; others because they saw this as the first opportunity to try and influence the National Trust's land management policies, after years of "gripes" over the Trust's decisions. Others still were motivated by a wider anti-conservation agenda variously represented by individuals with a track record of campaigning with Ian Mitchell, whose one-sided attack on conservation land owners was described in Chapter 3. By contrast, the National Trust, SNH, and the Forestry Commission represented a formidable and very stable dominant coalition. The Forestry Commission transferred the land to the National Trust without notifying the public, SNH set the boundaries so that the land was not subject to conservation restrictions, and the National Trust succeeded in getting the development accepted within the local area plan before the planning application triggered statutory consultation with local people. The National Trust was able to use its influence and understanding of local policy implementation processes to ensure that the planning application was accepted, despite key planning committee members' reservations. The only strong consensus between people living locally was that they would have liked to see more community-based facilities at the centre; and to have secured more spin-off benefits for local businesses. These legitimate concerns were obfuscated by a campaign of misinformation; and by mixed messages based on the extremely varied beliefs and objectives within the Action Group.

Analysing the civil society networks who challenged the dominant coalitions responsible for policy implementation at the local level clearly demonstrates that groups and individuals can be members of different types of network at the same time. Many of the NGOs and government organisations in the conflict networks studied here were simultaneously members of what could be defined as a policy community, routinely consulted over policy implementation and development initiatives. Although local communities find themselves in opposition to large NGOs and agencies, individual members may work for or closely with those same agencies on other issues. Their allegiance to one group or another is usually dictated by the specific issue on the table.

The case studies clearly show that the outcomes of conflicts over policy implementation are ultimately governed by a combination of statutory remits, legislation, history, socio-economic and cultural conditions, public debate, existing policies and the power of political and public influence. All this is

in addition to the interaction between network members. Focusing on networks involved at the later stages of a policy cycle gives a broader understanding of decision-making processes, when it is set in the context of the full range of non-actor influences on outcomes. Not only does it provide insights into the dynamics behind the formation of networks by local stakeholders keen to influence policy implementation¹⁶; it also gives a clear picture of the role of policy interactions, procedures and institutional set ups.

At this stage, it still could be argued that Dowding's criticism of network theory's inability to explain network change or predict outcomes stands. However, the emergence and impacts of local conflict networks can be predicted by looking at levels of integration and power-sharing within local land use decision-making networks. For example; the Forestry Commission and the North Sutherland Community Forestry Trust were engaged in a serious power-struggle over the ownership of the Forest estate. Simultaneously, however, the Trust and the Commission's executive agency continued to work productively together on forest management issues. This was possible because the local decision-making model was based on routine integration; and some degree of power sharing between local civil society groups and state agencies. This meant that local network relations were not soured by the conflict. The impacts of the conflict here were confined to the question of the ultimate transfer of power, by transferring land ownership from one group to another.

At the other end of the scale, the conflict between the Glencoe Action Group and the National Trust erupted after decades without dialogue. Prior to this conflict, there had been little if any integration within local networks outside the Trust and state agencies. Local stakeholders were frustrated by what they saw as a cosy and exclusive coalition between state agencies and the National Trust. They acted collectively to challenge the absolute power held by the Trust, almost regardless of their personal reason for challenging the visitor centre. For the National Trust, their position as the land owner had nurtured high levels of integration and power-sharing with local agencies. This enabled them to use political and structural advantages to succeed. However, their failure to integrate or share power with local stakeholders cost them very dearly in terms of national and local PR; and caused very expensive delays in delivering the new centre.

¹⁶ Kitchen, 2000.

What Role do Politicians Play in Network Governance?

Local people suggested that local participation in decision-making could be improved by strengthening local community councils. A problem highlighted in all areas was that community councils rely heavily on volunteer time. Those with the time to volunteer were generally retired or in better-paid positions. The introduction of expenses for full time councillors had encouraged a wider range of people to join but they were still “not paid enough to make a full time living...Younger people or less-well paid people can’t leave their jobs to do it, and that is a real problem” (Local Community Councillor). Another problem was highlighted on the Moray Estates, where the Moray Estates manager had been a community councillor for 15 years, and “never yet had to face an election”. By comparison with the other case study areas, the turnout for community council elections was also the lowest in this area.

Local people’s awareness of their community council also varied from area to area. In Assynt and Borge it was a well known source of support on a number of issues, whereas in Moray nobody mentioned the community council as a source of support. Despite its lack of contact with the local community, the local authority Councilor cited this community council as a good source of input on local issues for the Morayshire council. One factor that improved local awareness and support for the community council in Assynt was that it reported the results of its monthly meetings to in the local newspaper. As a representative body, many local people felt that local community councils’ inputs to the Highland Council, the Parliament or the Scottish Executive’s decision-making processes should be given more weight. Another suggestion was that community councils should also be given more direct development funding, to make more use of their position as democratically elected representatives of local development interests. However, these suggestions were qualified by the need to provide community councils with training in methods of canvassing and representing a balance of local opinion; to increase funding for outreach and media activities to raise awareness, and to encourage a wider range of local people to try for positions as community councillors.

One route available to local people trying to influence local policy implementation decisions was writing to local MPs or MSPs. Bringing in national political representatives was something that local communities used in cases involving disputes about policy implementation. These disputes were usually mediated by the national planning system. Most local people felt that politicians were very accessible and keen to use their position to support local causes. Lord Sewell’s intervention in the

dispute between the Assynt Crofters' Trust and SNH is a good example of how national politicians can support local development initiatives and get round apparent policy contradictions. As one resident put it: "oh, god, any fuss and bother, and you write to them. That's what they are there for, that's what they are paid for." Others felt that this avenue was limited, though: "they are quite approachable, but how effective they are depends on their personal interest in the issue...they think: what's in this for me?"

I came across evidence that some national politicians could take more care to ensure that they are fully aware of the range of views amongst their local constituents; before backing one side of a local argument in the press or Parliament. On the whole, however, national politicians were seen as a very good lever for people to influence development and participation opportunities in their area. Ultimately, even with political support as a lever, power-sharing and integration was uneven across the different areas studied. It depended on the individual approach taken by various government agencies, local civil society networks, institutions and politicians.

Land Ownership & the History of Power-Sharing

Beyond the role played by politicians and government agencies in promoting community involvement and development, the land owner seemed to have the most significant impact on community involvement in local decision-making networks. For example, not all communities had contact with government agencies in the first place; leaving the land owner as the sole point of contact with active decision-making networks. The influence of conservation land owners like the RSPB, the John Muir Trust and the National Trust on national natural resource management policies was perceived to be too powerful by many of the people who took part in this research. Almost half of all the case study participants made no distinction between conservation bodies and government agencies in discussions of who has the most influence over land-based decision-making. Conservation land owners and state agencies were regularly labelled collectively as the "government agencies". One of the key complaints about conservation bodies was that their shared objectives and close links to government agencies give them an unfair advantage compared with private individuals and local communities. As well as giving them too much influence over decision-making processes, some people also felt their "cosy relationship" with government meant they received an unfair proportion of public funds to support their activities.

This research certainly generated clear evidence that the land owner has a strong impact on local opportunities. Of the owners studied here, the community land owner provided the most varied opportunities for involvement in land-use and sustainable community development. Forest Enterprise also provided a wide range of opportunities – in reaction to pressure from a large, well-organised and highly motivated local community Trust. On community owned land this was because of the democratic structures set up to deliver shared community objectives for managing the estate; and on state owned land this was because the locally based office of Forest Enterprise reacted well to community led pressure for more involvement in the management of Borgie Forest.

The lowest levels of integration and power-sharing within local decision-making networks were found on privately owned and conservation NGO owned land. There were no examples of community participation in management decisions on the private estate. Behind the scenes, local interests were upheld by an intervention by the Forestry Commission, which protected a stand of ancient woodland slated for clear-cutting ‘for the Earl’s retirement’. Otherwise, upholding the public interest in the ecology and recreational value of the land was left to the private estate’s own sensitive policy of good husbandry and conservation. Influencing management decisions to improve standards of employment, housing or create alternative local development opportunities was unimaginable for most local people. Power resided solely with the Earl and his family.

In addition to their local management impacts, land owners’ perceived political and financial advantages were seen, by some, to work against local socio-economic opportunities. This helps to explain the overwhelming local opinion that land owning conservation bodies should be legally required to consult local communities on their land management activities; and that the government should introduce regulations to control their impact on the local socio-economy.

“The present system and pattern of landownership are not an historical accident, and thus to begin to understand the problems of the present we need to understand how the system has evolved”¹⁷

By far the most important influence on local access to decision-making was the history of land tenure and ownership in each area. This history has led to different types of land-use and molded the relationship between communities and land owners. It also played a part in shaping the local networks

¹⁷ Wightman, 1999.

responsible for land-use decision-making on a day to day basis. This in turn has affected how well local networks function as a channel for local input to decision-making, or support community development opportunities. Historical relationships between landlords and tenants had also influenced local communities' attitudes to their rights to land-use decision-making and benefits on all of the estates. For example, where the land where local communities lived had been cleared in the 18th and 19th centuries, local people felt much more strongly about their right to "claim back" land. By contrast, on the private estate, where no clearances had ever taken place and where I was told land owners "still have a much firmer control over the land", the owners discussed the fact that the tradition of large estate-owning employers providing tied housing in lieu of higher pay had led to a "culture of dependency" on their estates. The community living on private land was the least empowered when it came to trying to influence local land-use decisions.

The National Trust for Scotland and the Moray Estates have traditionally offered the least opportunity for local input to their decision-making processes. Decades without dialogue eventually erupted in conflict for the Trust; and led to less empowered communities and a "culture of dependency" on the private estate. The land covered by both these estates is managed for pure conservation or primarily for commercial objectives. Correspondingly, the range of involvement and development opportunities offered on this land is limited by comparison with state or community owned land, as both state and community owners have a much broader set of objectives for their land management.

The Devil is in the Detail: Local Planning Systems

Last, but by no means least, the national planning system was raised as a source of major concern by every single local person during the case studies. Likewise, many participants in the national level research felt that this system was a good candidate for reforms aimed at integrating more stakeholders in decisions with an impact on socio-economic development. When the Scottish Executive took over powers from the Scottish Office in July 1999, it gained ultimate control of planning decisions in Scotland. It now issues National Planning Policy Guidelines, which set the framework for local planning authorities (LPAs) to develop Structure Plans outlining a strategic approach to planning covering a 15 year period. These in turn guide the development of Local Plans, covering a five year period. The emphasis, here, is on strategic planning, protection of the environment and economic objectives. "The guiding principle for councils and developers considering proposals for rural development is that the development should benefit local communities economically, socially and

environmentally.”¹⁸ In this context, it was surprising that the planning system was frequently criticised for being adversarial and, for blocking small-scale development, and acting against local communities’ interests.

Although the land owners in all case studies were aware of the process for developing Structure Plans and Local Plans; almost none of the local residents I interviewed had seen either of these plans for their area. On the Moray Estates no one had ever heard of them; and in Glencoe some local community members had come across them only once they began in earnest to oppose the National Trust’s planning application. Although some members of the local action group were surprised when they realised that the Trust’s use of the site at Inverrigan had already been sealed into the Local Plan, they had not been involved in the process of drawing up these plans. This was a common theme highlighted by community and local councillors in Morayshire and Glencoe; local people were either “not interested or unaware of Local Plans or Structure Plans” until an individual planning application for development threatened their interests (Local Councillor, Morayshire), by which stage it was often too late to object because the development had already been “locked into the planning process” (Community Councillor, Glencoe).

Many people told me that they had “major headaches” when trying to get approval for housing planning applications because of the strong hand dealt to land owners, and agencies like SNH, NOSWA and SEPA under the current system. A common complaint in more remote areas was that land owners who owned very large estates had been able to pursue a “policy of non-development” on their land, as they had the power to block planning applications as neighbours and control all development on their own land. Suggestions for making the local planning system more accountable to local communities included the following:

- “*give local communities a stronger hand*”: this included increasing the ability of local communities to counter an objection by SNH on socio-economic as well as “scientific” grounds; legally requiring public and private individuals who lodge an objection to agree to meet with local community representatives and take a more flexible approach to negotiating solutions to their objections; and considering wider national policy objectives in their final decision;

¹⁸ NPPG15, 1998.

- *“there should be some better means of informing people”*: including extending the length of time a planning application has to be advertised, requiring that it is posted on local notice boards in libraries, schools, post offices, churches, as well as in the local press; and improving the level of access to and quality/detail of information about planning proposals;
- *“if they are using our money, we should definitely have more say”*: requiring planning applicants who are using public funding to demonstrate consultation and involvement with local communities *prior* to lodging an application, and placing a statutory obligation on commercial applicants over a certain size to clearly evaluate the benefits of the plan to local communities;
- *“there is too much confusion”*: the government should develop better mechanisms for ensuring that there is a common interpretation of planning policy between different local planning offices, the Highland Planning authority, and local planning committees - particularly to clarify when delegated powers can be used and when elected representatives have to consider an application;
- *“there should be more training for planners and they should listen to the locals”*: increasing the training required for public planners to seven years, including local development courses and community participation as a routine part of their training;
- *“the current system is not at all accountable, what happens after a planning application?”*: evaluating planning offices’ performance, including recording the number of times they pass applications when local communities have objected, and assessing the impacts of successful planning applications on local economic development – to help inform future decisions; and
- *Improve the local planning and planning for real process – “they consult but they are not obliged to pay any attention”* there was a strong local perception that the processes of consultation over local plans and structure plans was not genuine. It was too open to powerful vested interests, which could ensure that their aspirations were “locked in” to these plans long before the local communities who would be directly affected ever heard of them. The solution here was to ensure that the plans were used only as guidelines and not used dictate the outcome of individual applications.

The Executive’s proposals for land reform recognised that the planning system has a very important role to play in mediating the local balance of social, economic and environmental interests in local development applications. It included a commitment to evaluate “the impact of new planning guidance on rural development”. This review was ongoing when this research was being written up¹⁹.

¹⁹ Pers comm. Scottish Executive Employee, June 2004.

Section 3: Comparing Local and National Models of Decision-Making

At the national level, none of the sub-groups successfully dominated the policy formulation process. The outcome of this process was influenced by a much looser, and more balanced set of interests, similar to what has been defined as an *issue network* by Marsh and Rhodes²⁰. In the Introduction, I outlined the theory that these looser, issue networks are thought by some theorists to result in less successful or “stable” policy outcomes. I also outlined the theory that peripheral groups who do not share the same level of professional resources and expertise are thought to have less influence over the final outcome. However, looking at this process did demonstrate that the once-dominant landed coalition has lost a lot of ground in Scottish policy-making since devolution; despite its advantages in terms of expertise and funding. Public opinion and support in the media for local communities’ rights and interests in land played a very important part in the outcome. Civil servants also worked hard to balance the inputs from various groups. The final outcome of the land reform package was relatively conservative; and it is unlikely that it will radically break down the concentrated pattern of land ownership in a small number of hands in the short term. However, it will have a positive impact for local communities by giving them a legally protected right and vital support to buy land.

Payne has criticised network theory for failing to evaluate how local interests are represented in national or international decision-making networks²¹. This research also revealed limited institutional and practical opportunities for improving levels integration between the largely separate networks responsible for policy formulation on the one hand, and implementation on the other. Opportunities for power-sharing between local and nationally based networks are correspondingly limited. This dislocation between local and national networks is replicated in many policy network theories, which tend to focus primarily on national decision-making networks involved in policy formulation.

Comparing local and national views on land reform revealed that national networks did not fully represent local values and interests. The general feeling amongst local participants in this research was that the community right to buy did not go far enough to protect the rights of individuals and communities who either might not be in a position to buy land or would not want to buy land. Most local people were much more interested in how land reform could improve standards of involvement in land-use; or how it could make more land available as small-holdings for rent or purchase to

²⁰ Marsh and Rhodes, 1992.

²¹ Payne, 2000.

support local people's livelihoods or for building new houses. This view had some supporters at the national level, but they were outweighed by advocates of the *status quo*; at least when it came to compulsory purchase or limiting the size of landholding, which were the only real options presented to overcome this problem. Local people also supported the principle of altering the balance of regulations for existing land owners, to account for their impacts on local socio-economic development, as well as the natural environment. Again, beyond the introduction of a voluntary code of practice for land owners, there was very little representation of this option at the national level and it was stridently opposed by the landed lobby, when it came up in our discussions.

Whilst there was a deficit when it came to direct representation of local interests at the national level; the model set up to deliver land reform at the national level was better adapted to inclusive governance by networks, at least when it came to formulating national policy. Analysis of the case studies demonstrated the value of refocusing the policy network lens to include every stage in the policy cycle, and not just networks attempting to influence policy formulation. Refocusing provides the analyst with an opportunity to predict not just policy outcomes, but also to consider future policy implementation issues and likely impacts. It also generates useful insights into how policy impacts are mediated by local decision-making models; and how adapting local models of decision-making could minimise policy failure and non-compliance. Taking this approach demonstrated that there is scope to introduce more uniform models of network governance to eliminate what could be deemed a "post-code lottery" when it comes to influence over local land based decision-making. Overcoming this weakness requires a micro-to-meso conception of networks, fostering stronger links between local and national networks. On a practical level this would involve central agencies seeking counsel from their local area officers on a more regular basis; and being required to demonstrate that they have actually taken account of local consultation exercises. This would help create better feed-back loops and foster a better understanding of how national sectoral policies impact at the local level, and how they interact with each other.

When it came to implementing policy; some local processes fitted the distinctions between stable policy communities and peripheral issue networks in the literature based on the linear continuum described in the Rhodes model²². In these cases, local decisions were controlled by an exclusive and elite network of agencies; or dominated by the local land owner. Comparing different models of

²² Rhodes and Marsh, 1992.

decision-making across the four case studies also revealed extremely varied local decision-making models. Some communities had more opportunity to influence and benefit from land-based policy implementation in their area than others. In all cases, communities' degree of influence over policy implementation decisions mirrored their knowledge of, and level of response to the land reform policy formulation process. This demonstrates that improving public involvement in national policy formulation processes will be highly dependent on strengthening levels of integration and power-sharing within the networks operating at the grassroots level.

The local studies also demonstrated that solely focusing on networks of actors is not sufficient to determine local networks' level of influence; or to evaluate specific policy options, far less their possible impact on local development opportunities. Different models of network governance offered variable development opportunities; depending on levels of integration and power-sharing. However, simply identifying these different models did not fully explain why some communities had better opportunities than others. This research also identified a set of external or non-actor parameters which influenced national policy outcomes, local implementation processes and impacts alike. These parameters can be likened to the "rules of the game", which gave some actors ownership of advantages not available to others.

These parameters included institutional, structural and historic socio-legal advantages. Inequitable ownership created barriers to inclusive governance when it came to policy implementation in the field. Likewise, policy contradictions and systemic barriers (such as the adversarial nature of the national planning system) were also found to block local people's opportunities for development and democratic involvement. Finally, the strongest hand in the game was dealt to land owners. Landowners sometimes formed what could be termed a *dominant coalition of one*, when it came to local policy implementation and its impacts on community-based socio-economic and environmental development in some areas. In several instances, structural non-actor influences shaped the outcomes of decision-making processes throughout the policy cycle. This finding indicates that any policy network approach should not stop short at the role of networks in existing policy processes; but extend even further to consider how structural frameworks influence outcomes.

In conclusion, network theory would benefit from moving away from viewing networks as a metaphor *for* real life to examining their existence *in* real life, and the possibility that they can be used as a model for delivering more inclusive and equitable policy processes.

Section IV: Impacts of the Bill

The UK Parliament has repeatedly handled demands for what was identified in the case studies, and the national research, as “real land reform”; reforms aimed at altering the pattern of ownership in Scotland to break down the concentration of large areas of land in the hands of a minority of land owners. *Redistributing* or *diversifying* land ownership has had many grassroots supporters since the clearances. Grassroots pressure has consistently come from local communities’ need to access land to secure their livelihoods. As a result of cumulative public pressure on policy processes in the 19th and 20th centuries various pieces of legislation have been enacted to empower and recognise the rights of local communities to land-based development and livelihoods opportunities.

The major legal and policy reforms enacted during the 19th and early 20th centuries initially focused on increasing *security of tenure* for local communities – to prevent the wholesale evictions and forced emigrations witnessed during the Highland clearances. In the first half of the 20th century, following public support for war veterans’ demand for land in return for service, pressure for reforms went further than security of tenure – the need to make *more* land available for veterans to make a living was now much more explicit. This research demonstrated that policies on land tenure were predominantly controlled by Conservative and landed interests during the 19th and 20th Centuries. Up to the arrival of the new Scottish Parliament successive land reforms had all aimed to improve communities’ livelihoods security as *tenants* on existing landholdings; not by freeing up land for them to own or lease.

All in all, the range of reforms introduced before 1998 had never succeeded in significantly altering the basic pattern of land ownership²³. The major changes in land-use this century were outlined in the Methodology, showing that the State has increased its landholding, now owning 10% of the land of Scotland. Conservation NGOs are also steadily increasing their landholding at a rate which suggests that they will soon own more land than the state. Nonetheless, whilst the character of organisations and individuals owning land may have changed, the total number of owners has not significantly changed. When this research was conducted, it was still the case that Scotland’s pattern of land ownership was categorised by very large landholdings in the hands of private owners, conservation Trust owners and the state, with community ownership accounting for just 0.6% of Scotland when this research was conducted.

²³ Wightman, 1996.

Comparing development opportunities on the four estates studied here demonstrated that there is a strong demand for smaller areas of land to be made available to local people for housing and development – either as tenants or owners. Until local people's access to land improves, this research indicates that the strongest influence on land-based development in rural Scotland will continue to be who owns the land that a community lives on. Many local people felt that private and conservation land owners' impact on the local economy should be regulated. During the case study research, representatives of conservation NGO and private land owners were both against the principle that non-public land owners should be subject to any socio-economic regulation or enforceable code of conduct. Their counterparts in the national networks also strenuously opposed this suggestion. However, this idea did have several supporters at the local level:

“Why should it only be the public agencies that are required to improve their performance, why shouldn't private land owners be subjected to the same controls? I think that comes back to...it's not that public owners don't have their critics; obviously they *do*, for lots of reasons, but you end up with very lop-sided land reform if you impose requirements on some but not other land owners, because there will still be huge tracts of land that are not subject to any control over the land owners' impact on community development”.

Beyond the introduction of a voluntary code of practice for non-public land owners, there was no provision to improve the accountability and impacts of non-public land owners. However, on a number of occasions I came across strong local support for the idea that if communities should have to demonstrate viable business plans for how they would manage the land, then *any* land owner should be subject to the same requirements. An argument against this, at the national level, was that communities should be subject to more scrutiny and conditions of purchase; because they will receive public funds to help them buy and then manage land. The government has allocated £10m of funds from the National Lottery, and intends that the Community Land Unit will support the redistribution of land by increasing community ownership. These activities also support the government's wider agenda for rural community development. This was seen by some local people and national network members as a “very modest investment” to help the government meet a national policy objective to diversify land-use and ownership.

One of the most pressing development needs identified in all case study areas was the lack of affordable housing. Alongside the lack of quality employment, this was seen as a critical barrier to

maintaining viable local communities and attracting young people into remote and economically fragile areas. The Moray Estates was providing a large stock of socially affordable (if sometimes poor quality) housing. It is possible that their commitment to improving the quality and, in turn, the level of rent may reduce the amount of socially affordable houses on the estate in the long-term. Likewise, the estate's policy of not selling houses, even if they are empty and the estate cannot afford to develop them, reduces the ability of residents to buy their own house in their local area. However, their new "partnership tenancy" agreements were popular with new tenants because it gave these tenants the opportunity to live in a house they otherwise could not afford. The National Trust for Scotland's policy of cutting down the number of tied houses it provided, in favour of developing an income from holiday homes, and not renewing crofting tenancies was regretted by many local people.

A final point, made by members of the local and the national networks, was that all categories of land owner are eligible for public funding to support their activities. Communities are also eligible for additional funding that has already been earmarked to promote more community development in rural Scotland. These funds are available to all communities regardless of whether they own land. The community land owner studied here received some funds from this source; but the majority of its funding was exactly the same as what is available to private and conservation NGO owners. The Moray Estates received funds from the Forestry Commission, from SNH and from CAP subsidies. As it has such a large farming business, its CAP subsidy was described as one of the largest in the country. As some members of the local communities I visited pointed out; the key difference here is that the primary beneficiary of grants and subsidies is the Earl of Moray, whereas subsidy payments that went to individual crofters and grants were invested in collective community development schemes on the Assynt Estate. Therefore, based on these case studies, one observation is that public funding can be more evenly distributed under state and community ownership. This is reflected in the different levels of integration and power sharing between the networks, which determined development opportunities on the different estates. Not surprisingly, opportunities were more diverse under land owners whose objectives included delivering social, economic and environmental benefits *directly* to local communities.

The Land Reform Policy Group did insist that "Ministers believe that all landowning bodies should be treated equally under the new legislation". In this regard, the suggestion made many times by local and national network members that all land owners should be subject to the same conditions of purchase as

local communities has some merit. There was also a strong consensus at the local level, and amongst some of the national land reformers that, regardless of who owns the land, the regulatory framework could to be improved to ensure that land owners “don’t have a negative, and do have a positive impact on local community livelihoods and the environmental opportunities open to them”. As one local community member put it, it’s a question of equity:

“The role of the land owner should be adapted to recognise the enormous cultural and economic privilege that comes with owning land. The state is responsible for the natural environment, but the state also has a responsibility to encourage equity in the division of the benefits of natural resource management in Scotland” (Tenant, Moray Estates).

The people I interviewed came up with a number of ways to regulate and streamline the impacts of different types of land owner on local communities. These included reforming the CAP system to encourage more diversification; and to provide more incentives that could help reverse the trend of taking land back in hand on big estates. The latter could be supported by investing in developing local farmers’ and crofters’ cooperatives, to overcome the market pressure for mass-produced agricultural products. Other suggestions included strengthening the conditions attached to public funding for land-based development activities to include evidence of the socio-economic benefits that would be delivered at the local level from receipts. In the meantime, there was evidence that land owners’ growing awareness of national agencies’ support for community participation and development was having an impact on some but not all private owners. Agency staff reported that some were voluntarily opting to include participation and development activities in their proposals for funding; as they knew that these would be viewed more favourably by SNH or the Forestry Commission. This growing awareness of national policy objectives was altering some land owners’ approaches. This indicates some additional potential to improve the strategic capacity of our decision-making system to deliver more consistent policy impacts, regardless of who owns land. However, there was also evidence that there is strong local demand for guaranteeing minimum standards; by considering some of the regulatory and executive reforms identified by local people during the case study research.

The final reforms will have an impact on the pattern of land *owners* in Scotland, as communities have been given a conditional right to buy land. Large areas of land are owned by individuals, the state, conservation NGOs, and, with the new legislation, the number of community trusts owning land is also set to increase. Despite strong scepticism at the national level; and doubts amongst local representatives of private and conservation NGO land owners; it is likely that a surprising number of

communities will opt to register an interest in purchasing the land they live on. In Borgie, collective action was motivated by the perception that land ownership would confer long-term, secure and sustainable benefits for the local community. Here, the question of land ownership acted as a rallying point for diverse communities and individual members. The interests represented by the North Sutherland Community Forestry Trust integrated social, environmental and economic concerns in a shared vision of what could be achieved by community ownership. Likewise, all but one member of the Assynt Crofters' Trust firmly believed that community ownership had increased levels of access to decisions about policy implementation and freed up several opportunities for community-based development.

At the national level, as grass-roots representative groups; such as the Community Land Action Group, continue to strengthen it is likely that the agenda for future policy consultations will automatically be informed by a wider range of interests, including local communities' needs and priorities. However, the fact that those who represented local community interests were slower to get "geared up" for the new process limited the participatory capacity, or the openness and inclusiveness of the national decision-making model, cited as the Berlin School's first indicator for successful policy-making in the Introduction.

As this process drew to a close, Roseanna Cunningham, MSP and the SNP's spokesperson for land reform, did table a successful amendment to the bill requiring the Executive to report back to Parliament on the impacts of the new legislation; their reporting should include a detailed evaluation of legislative impacts every four years²⁴. Many members of the national network supported the idea that the land reform process should be a "rolling process"; but there was also fear that the government "would make some changes and then not touch it again for another 300 years" (Allison Elliot, Chair, Scottish Land Reform Convention).

The case study research clearly indicates that changes to the land tenure system over the last two centuries *have* provided some communities with levers they can use to further their own interests. Awareness of these legal provisions has empowered some communities and given them confidence in their rights to influence who owns the land they live on and how it should be managed. The findings from this research show that the land reform bill will have a positive impact on community

²⁴ Pers comm. Roseanna Cunningham, SNP and see: Land Reform (Scotland) Act, 2003.

development; even if all it does is increase their confidence in their rights, and give them additional legal levers to protect these rights. The bill specifically singled out “fragile” communities as the target beneficiaries of land reform. However, it is hard to see how invisible and marginalised communities living on minimum wages with unsteady sources of employment on profitable private estates will benefit from the community right to buy. These groups would be better served by focusing on improving access to local decision making networks and regulating the socio-economic impacts of land owners.

This research demonstrated that there is plenty of scope to meet the objectives set for the bill simply by involving local stakeholders more routinely in *all* land-based decisions. This can be achieved by supporting the development of more inclusive decision-making models designed to improve levels of integration and power sharing within local networks. In Borgie, both Forest Enterprise and SNH were credited with gradually integrating more effectively with local communities; working together to deliver more sustainable development opportunities from forestry. Likewise, the case study research demonstrated that conflicts, such as the dispute over the development proposal for the Assynt hydro scheme, might be avoided if government agencies relinquish some of their power and acknowledge local knowledge and interests. While the bill will make a start on breaking down the monopoly of land ownership; its success will depend on putting in place inclusive models of decision making to break down current monopolies on local decision-making.

In the meantime, this research showed that the national networks gradually opened up to include a wider range of public opinion, and that community interests now have a stronger direct voice in Scotland’s new democracy. Tracing the history of public pressure for land reform demonstrated that local will for reform, and public support for it, have never been far from the surface. So long as local communities continue to feel that there is room for improvement, it is likely that the Scottish Parliament will continue to respond to calls for further reforms to improve local participation in decision-making and remove the land-based barriers to sustainable development. The land question is still open.

Bibliography.

Adam, M. 1995. "Land Reform: New Seeds on Old Ground?" *Natural Resource Perspectives* Number 6, October 1995. Overseas Development Institute.

Adams, M. 1995. "Land Reform: New Seeds on Old Ground?" *Natural Resource Perspectives*, Number 6, October 1995. Overseas Development Institute.

Alario, M. 2001. "A Turn to Scientific Analysis and Democratic Deliberation in Environmental Policy: Political Risk, Legitimation Crisis Or Policy Imperative?" *Theory & Science*. CAAP. ISSN: 1527-5558

Ansell, K.A., Parsons, C.A. and Darden, K.A. "Dual Networks in European Regional Development Policy". *Journal of Common Market Studies*. Vol. 35, No. 3 1997

Bache, I. and Marshall, A. 2004. "Europeanization and Domestic Change: A Governance Approach to Institutional Adaptation in Britain". *Queen's Papers on Europeanization*. No. 5/2004.

Bangor-Jones 1988. *The Assynt Clearances*. The Assynt Press, Dundee.

Beith, M. 1995. *Healing Threads*. Polygon, Edinburgh 1995.

Binswanger, H.P. and Deininger, K. 1993. "South African Land Policy: the Legacy of History and Current Options". *World Development*, September, 1993. Elsevier.

Blom-Hansen, J. 1997. "A 'New Institutional' Perspective on Policy Networks" *Public Administration* Volume 75, Issue 4, Winter 1997 Page 669.

Pemberton, H. 2000. "Policy Networks and Policy Learning UK Economic Policy in the 1960s and 1970s" *Public Administration*. Volume 78, Issue 4, Page 771, Winter 2000

Boyd, G. and Reid, D. 1999. "Social Land Ownership: Case Studies" Volume I, April 1999. Not-for-Profit Landowners Project Group, Inverness. At www.caledonia.org.uk/soicalland.htm

Boyd, G. and Reid, D. 2000. "Social Land Ownership: Case Studies" Volume III, 2000. Not-for-Profit Landowners Project Group, Inverness. At www.caledonia.org.uk/soicalland.htm

Boyd, G. and Reid, D. 2000. "Social Land Ownership: Case Studies" Volume II, April 2000. Not-for-Profit Landowners Project Group, Inverness. At www.caledonia.org.uk/soicalland.htm

Brulle, Robert J. 2002. "Habermas and Green Political Thought: Two Roads Converging" *Environmental Politics*, Vol. 11, No. 4. pp 1-20

Brulle, Robert. 2000. *Agency, Democracy and Nature*. Cambridge, MA: MIT Press.

Bryden, J. and Geisler, C. 2005. "Community-based Land reform: Lessons from Scotland". *Land Use Policy*. Elsevier.

Bryden, J. 1996. "Land Tenure and Rural Development: The 3rd McEwen Memorial Lecture". At www.caledonia.org.uk/soicalland.htm.

Cabinet Office, 1999. *Modernising Government*. CMND 4310. The Stationary Office, London.

Callander, R. 1987. *A Pattern of Landownership in Scotland*. Haughend Publications, Finzean.

Callander, R. 1998. *How Scotland is Owned*. Canongate Books, Edinburgh.

Campbell, I. and Mudge, G. 1989. "Conservation of black-throated divers in Scotland". *RSPB Conservation Review* 3: 72-74.

Canto, V.A. 1985. "Property Rights, Land Reform and Economic Well-Being". *Cato Journal*. Vol. 5. No. 1. (Spring/Summer 1985). Cato Institute.

Chambers, R. 1983. *Rural Development: Putting the Last First*. Longman Group, Essex.

Chambers, R. 1993. *Challenging the Professions: Frontiers for Rural Development*. Intermediate Technology Publications, London.

Chambers, R. 1997. *Whose Reality Counts? Putting the First Last*. Intermediate Technology Publications, London.

Chapman, M. 2001. "Farms in Crisis – A Few Facts". Moray Estates Development Company.

CIEDS, 2002. "Aesthetics, Morality and Bureaucracy: A Case Study of Land Reform and Perceptions of Landscape Change in Northwest Scotland". Noragric Working Papers. Centre for International Environment and Development Studies, Noragric.

Coleman, W.D. and Perl, A. 1999. "Internationalized Policy Environments and Policy Network Analysis". *Journal of Political Studies* (1999), XLVII.

Connel. 1983. "The Porpoise and the Elephant", cited in McGrath, S. 1999. "Policy Networks in Conflict: A Case Study of the Decision to Approve the Planning Application to Build the Cairngorm Funicular". Masters Thesis, Unpublished.

Cramb, A. 1996. *Who Owns Scotland Now? The Use and Abuse of Private Land*. Mainstream Publishing, Edinburgh.

Crocket, K. 2000 "*The NTS and Glencoe*".

Daugbjerg, C. 1992. "Linking Policy Networks and Environmental Policies: Nitrate Policy making in Denmark and Sweden 1970-1995". *Journal of Public Administration*, Vol. 76: 313-333, Summer 1998.

De Bruijn, J. and Ringeling, A. 1997. "Normative Notes: Perspectives on Networks, in Kickert, W. Klijn, E., Koppenjan, J. 1997. *Managing Complex Networks: Strategies for the Public Sector*. Sage Publications, London.

Department of Trade and Industry, 2002. "Reducing UK Emissions" <http://www.dti.gov.uk/energy/sepn/re.shtml>

Dewar, D. 1998. "Land Reform for the 21st Century: The 5th McEwen Memorial Lecture". At www.caledonia.org.uk/soicalland.htm.

Dey, I. 1993. *Qualitative Data Analysis: A User-Friendly Guide for Social Scientists*. Routledge, London.

Douglas, R. 1976. *Land, People and Politics: A History of the Land Question in the United Kingdom, 1872-1952*. Allison & Busby, London.

Dressler, C. 1999. Case Study One: The Isle of Eigg Heritage Trust - The First Eighteen Months". In

Boyd, G. and Reid, D. 1999. "Social Land Ownership: Case Studies" Volume I, April 1999. Not-for-Profit Landowners Project Group, Inverness. At www.caledonia.org.uk/soicalland.htm

Deininger, K., Hoogeveen, H., and Kinsey B.H. 2004. "Economic Benefits and Costs of Land Redistribution in Zimbabwe in the Early 1980s". *World Development*, October 2004. Elsevier.

Dovring, F. 1987. *Land Economics*. Breton Publishers, Boston.

Dowding, K. 1995. "Model or metaphor? A critical review of the policy network approach". *Political Studies*. XLIII, 1, pages 136-58.

Dutchas. 1999. "Initial Review Report, North Sutherland, Duthaich MhicAoidh 1998-9".

European Commission, 1992. "Towards Sustainability? The European Community Programme of Policy and Action in Relation to the Environment and Sustainable Development: The Fifth EC Environmental Action Programme". European Commission. Available at <http://europa.eu.int/comm/environment/actionpr.htm>.

Evans, M. 2001. "Understanding Dialectics in Policy Network Analysis". *Political Studies*. Vol 49. Pages 542-550.

Forest Enterprise, 2000a. Working with Communities in Scotland: Our commitment. 2nd Edition. D&IS – 1500 – MT/DP – March 2000.

Forest Enterprise, 2000b. Working with Communities in Britain: How to Get Involved. 2nd Edition. D&IS – 5000 – MT/DP – March 2000

Fowler, J. 2002. *Landscapes and Lives: The Scottish Forest Through the Ages*. Canongate Books, Edinburgh.

Fraser Grigor, I. 2000. *Highland Resistance: The Radical Tradition in the Scottish North*. Mainstream Publishing, London.

Gaskell, P. 1968. *Morvern Transformed: A Highland Parish in the Nineteenth Century*. Cambridge University Press, Cambridge

Gray, M. 1976. *The Highland Economy, 1750-1850*. Westport.

Greenwood, D. and Levin, M. 1998. *Introduction to Action Research: Social Research for Social Change*. Sage Publications, London.

Guijt, I. and Shah, M. (Eds). 1998. *The Myth of Community*. Intermediate Technology Publications, London.

Gunn, N. 1941. *The Silver Darlings*. Faber and Faber, London.

Habermas, J. 1981. *The Theory of Communicative Action. Volume 1: Reason and the Rationalization of Society*. Polity Press, Cambridge.

Healy, 1992: 153, cited in McGrath, S. 1999. "Policy Networks in Conflict: A Case Study of the Decision to Approve the Planning Application to Build the Cairngorm Funicular". Masters Thesis, Unpublished.

Highlands and Islands Enterprise. Undated. "Community Land Ownership". HIE, Inverness. At www.hie.co.uk.

HMSO. 1916. "Parliamentary Committee enquiring into the question of land settlements in England and Wales for ex soldiers and sailors".

HMSO. 1928 Report of the Committee on Land Settlement in Scotland (1928), Sessional papers, Vol. XI, Cmd.3110.

HMSO. 1928. Reorganisation of Office (Scotland) Act, 1928.

Hogwood B. and Gunn L. 1984. *Policy Analysis for the Real World*. Oxford University Press, Oxford.

Howlett, M. 2002. "Do Networks matter? Linking Policy network Structure to Policy Outcomes: Evidence from Four Canadian Policy Sectors 1990-2000". *Canadian Journal of Political Science*. (June 2002) pages 235-267. Canadian Political Science Association.

<http://www.lordbothwell.co.uk/marymarriage.html>, <http://www.marie-stuart.co.uk/husbands.htm>

<http://www.macdonald.com/glen1.html>

http://www.scotland.gov.uk/news/releas99_1/pr0005.htm

<http://www.srds.co.uk/slrc.htm>.

Huband S. 2000 "Recommendations for Effective Participation to Inform the National Trust for Scotland's Draft management Planning Guidelines". Masters Dissertation, University College London. Unpublished.

Hunter J. 1974. "The Politics of Highland Land Reform, 1873 to 1895", *SHR*, 53, (1974).

Hunter, J. 1976. *The making of the Crofting Community*. John Donald Publishers Ltd., Edinburgh

Hunter, J. 1999. *Last of the Free: A Millennial History of the Highlands and Islands of Scotland*. Mainstream Publishing Company, Edinburgh.

Janicke, 1997, cited in McGrath, S. 1999. "Policy Networks in Conflict: A Case Study of the Decision to Approve the Planning Application to Build the Cairngorm Funicular". Masters Thesis, Unpublished.

Janicke, M. 1997. "The Political System's Capacity for Environmental Policy", in M. Janicke & H.

Weider (eds). 1997. *National Environmental Policies: A Comparative Study of Capacity-Building*. Springer-Verlag, Berlin.

John George MacKay. 1965 "How the Borgia Resettlement Scheme Developed", in press, Northern Times, 27/5/65; 3/9/65; 15/9/65; and 1/10/65.

Jordan, G. 1990. "Policy Community Realism *versus* 'New' Institutional Ambiguity". Journal of Political Studies, 38: 470-484, 1990.

Jordan, G. and Schubert, K. (1992) "A Preliminary Ordering of Policy Network Labelling". *European Journal of Political Research* 21 (Special issue). Pages 7-28.

Jost, G.F. and Jacob, K. 2004. "The Climate Change Policy Network in Germany". *European Environment*. DOI: 10.1002/eet.337. Wiley InterScience.

Keller, R. and Pöferl, A. 2000. "Habermas fightin' waste. Problems of alternative dispute resolution in the risk society". *Journal of Environmental Policy and Planning*. Volume 2, Issue 1. John Wiley & Sons, Ltd.

Kitchen, L. 2000. "Environmental Policy and the Differentiation of Rural Space: An Actor-Network Perspective". *Journal of Environmental Policy and Planning*. 2: pages 135-147.

Klijn, E.H. and Koppenjan, J.F.M. 2000. "Public Management and Policy Networks: Foundations of a Network Approach to Governance". *Public Management* 2 (2000) pages 135-158.

Labour Party Manifesto, 1997 Scottish Parliamentary Elections.

Leneman, L. 1987. "Borgia a Debatable Gift to the Nation?" in *Northern Scotland*. 27/5/65 and 3/9/65

Leneman, L. 1989. *Fit for Heroes?: Land Settlement in Scotland After World War I*. Aberdeen University Press, Aberdeen.

Lowndes, V. 1996. "Varieties of New Institutionalism: A Critical Appraisal". *Journal of Public Administration*, Vol. 74: 181-197, Summer 1996, Blackwell Publishers, Oxford.

MacAskill, J. 1999. *We have Won the Land: The story of the purchase of the North Lochinver Estate by the Assynt Crofters' Trust*. Acair Ltd, Stornoway, Scotland.

MacDonald J. 1998. "A Short History of Crofting in Skye".

Macmillan, D.C. 1999. "The Economic Case for Land Reform". *Land Use Policy*, January 2000. Butterworth & Co. Publishers Ltd.

March, J. and Olsen, J. 1984. "The New Institutionalism: Organisational Factors in Political Life". *The American Political Science Review*, Vol. 78, 1984.

March, J. and Olsen, J. 1997. "Institutional Perspectives on Political Institutions", in Hill, M. 1997. *The Policy Process: A Reader*. Prentice Hall/Harvester Wheatsheaf, Hemel Hempstead, Hertfordshire.

Marsh, D. and Rhodes, R. 1992. "New Directions in the Study of Policy Networks". *European Journal of Political Research* 21: 181-205, 1992. Kluwer Academic Publishers.

Marsh, D. and Rhodes, R. 1992. *Policy Networks in British Government*. Oxford University Press, Oxford.

Mason, M. 1996. *Environmental Democracy*. Earthscan Publications, London.

McCarthy, J. 1999. *Scotland, Land and People: An Inhabited Solitude*. Luath Press, Edinburgh.

McCrone, D. 1997. "Land, Democracy & Culture in Scotland: The 4th McEwen Memorial Lecture". At www.caledonia.org.uk/soicalland.htm.

McEwen, J. 1977. *Who Owns Scotland? A Study in Land Ownership*. E.U.S.P.B., Edinburgh.

McGrath S. 2001. "Transactions, Relevant Legal and Policy Changes, and other Sources of Information on the Tenure of the Borgia Estate". Report for the North Sutherland Community Forestry Trust.

McGrath S. 2001a. Pilot Training Workshop: "Involving People in Forestry". Inverness. 27 - 28 November 2001. Forestry Training Services.

McGrath, S. 1999. "Policy Networks in Conflict: A Case Study of the Decision to Approve the Planning Application to Build the Cairngorm Funicular". Masters Thesis, Unpublished.

McGrath, S. 2001b. "Involving People in Forestry", presented to the Institute of Chartered Foresters' Seminar on Planning Forests with People, 14 November 2001.

McGrath, S. 2002. "An Evaluation of the Community Forestry Facilitator Project in the Northern Highlands: Four Case Studies". At www.highlandbirchwoods.co.uk

McGregor, B. 1993. "Land Tenure in Scotland: The 1st McEwen Memorial Lecture". At www.caledonia.org.uk/soicalland.htm.

McIntosh, A. 2001 *Soil and Soul: People Versus Corporate Power*. Aurum Press, London.

McPhillimy, D. April 2000. "Rural Development Case Studies". The Forestry Commission. At: <http://www.forestry.gov.uk/Website/OldSite.nsf/ByUnique/INFD-524dnk>

Meinzen-Dick, R. and Di Gregorio, M. (eds.) 2004. "Collective Action and Property Rights for Sustainable Development". International Food Policy Research Institute, Washington.

Miles, M. and Huberman, M. 1994. *Qualitative Data Analysis*. Sage Publications, Beverly Hills, CA.

Mitchell, I, 1999. *Isles of the West*, (1999) Canongate Books Ltd., Edinburgh.

Moyo, S. 2003. "Land Reform in Zimbabwe". *New Agenda: South African Journal of Social and Economic Policy*. Issue 9. First Quarter 2003.

National Trust for Scotland. Annual Report 2002-2003

National Trust for Scotland. Annual Report 2003

Natural Heritage (Scotland) Act 1991.

New Opportunities Fund. 2003. "Scottish Land Fund: Programme Review, March 2003". New Opportunities Fund, Glasgow. Available at www.nof.org.uk.

Newman, J. 2001. *Modernising Governance: New Labour, Policy and Society*. Sage Publications, London.

O'Toole, L., Hanf, K., and Hupe, P. 1997. "Managing Implementation Processes in Networks", in Kickert, W. Klijn, E., Koppenjan, J. 1997. *Managing Complex Networks: Strategies for the Public Sector*. Sage Publications, London.

Ostrom, E., 2004. "Collective Action and Property Rights for Sustainable Development: Understanding Collective Action", CAPRI, Focus 11/Brief 2

Palmer, A. 2000. "Hypothesis: A Relocated Visitor Centre will Create a Negative Impact". Masters Dissertation, Unpublished.

Pawson, R. and Tilley, T. 1997. *Realistic Evaluation*. Sage Publications, London.

Payne, R.A. 2000. "Habermas, Discourse Norms, and the Prospects for Global Deliberation". *International Studies Association 41st Annual Convention*. Los Angeles, CA. March 14-18, 2000. CIAO.

PE 227 (Alistair MacDonald) on Glencoe Proposals

Perkin, E. and Court, J. 2005. "Networks and Policy Processes in International Development: a Literature Review". *ODI Working Paper 252*. ODI Civil Society Partnerships Programme.

Peterson, J. 2003. "Policy Networks". *Political Science Series*. No. 90. Institute for Advanced Studies, Vienna.

Powelson, J.P. 1987. "Land Tenure and Land Reform: Past and Present". *Land Use Policy*, April 1987. Butterworth & Co. Publishers Ltd.

Prebble, 1963. *The Highland Clearances*, Penguin, London.

Pressman, J. and Wildavsky, A. 1973. *Implementation*. University of California Press, Berkeley.

Reason, P. (Ed). 1988. *Human Inquiry in Action*. Sage Publications, London.

Reforestation Scotland, 2000. Community Woodlands Directory. Reforestation Scotland, Edinburgh.

Reforestation Scotland. 2000. "Community Aspirations for Borgie Forest and other forests in North Sutherland: A compilation of community consultation findings." Prepared by Reforestation Scotland for Forest Enterprise and the North Sutherland Community Forestry Trust.

Richards, L. and Richards, T. cited in McGrath, S. 1999. "Policy Networks in Conflict: A Case Study of the Decision to Approve the Planning Application to Build the Cairngorm Funicular". Masters Thesis, Unpublished.

Ritchie, B. and Haggith, M. 2004. "The Push-me-pull-you of Forest Devolution in Scotland". Presented at the International conference on Decentralization, Federal Systems in Forestry and National Forest Programmes launched by Switzerland and Indonesia.

Robson, C. 1993. *Real World Research*. Blackwell Publishers, Cambridge.

Ross, D. 2000. "Tory MSP labels plan for land reform Stalinist". The Herald, 21.04.2000.

Ross, J. and Maxwell, F. 2000. "Brasher bets that the Cuillins price tag will fall". The Scotsman, 29.03.2000.

Sabatier, P. and Jenkins-Smith, H. 1993. *Policy Change and Learning: An Advocacy Coalition Approach*. Westview Press, Boulder, Colorado.

Sandilands, R. "Scotland and the Land Question" in Land Reform Scotland. 1997. *William Ogilvie's Birthright in Land*. Othila Press, London.

Schubert and Jordan, 1992: 1

Scottish Executive. 1999 – 2001. The Land Reform Bill: Consultation Responses. Available from the

Scottish Executive Library, Saughton House, Edinburgh.

Scottish Executive. Feb 2001. "Land Reform: The Draft Bill". SE/1999/1. The Stationary Office, Edinburgh.

Scottish Executive. Jul 1999. "Land Reform: Proposals for Legislation". SE/1999/1. The Stationary Office, Edinburgh.

Scottish Nationalist Party manifesto. 1997 Scottish Parliamentary Elections.

Scottish Parliament, Official Report. Thursday 7 November 2002

Smith, M. 1993. "Policy networks" in Hill, M. 1997. *The Policy Process: A Reader*. Prentice Hall/Harvester Wheatsheaf, Hemel Hempstead, Hertfordshire.

Smout, T. 1969. *A History of the Scottish People. 1560-1830*. Collins, London

Strauss, A., Corbin, J. (Eds). 1997. *Grounded Theory in Practice*. Sage Publications, London.

Stringer, E. 1999. *Action Research: Second Edition*. Sage Publications, London.

Submission to the Petitions Clerk by Kirsty McLeod, member of the Glencoe Action Group; and Response to Petition's Clerk by Roger Wheeler, Chair of the National Trust for Scotland. Sunday Herald, 7.09.03

The 2nd McEwen Memorial Lecture". At www.caledonia.org.uk/soicalland.htm.

The Forestry Authority, 1996. "Involving Communities in Forestry...through Community Participation: Forestry Practice Guide 10". Forestry Practice Division on Behalf of the Forestry Commission, Edinburgh.

The Herald, 21 Oct. 1995.

The Highland Council. 2002. "Minutes of Meeting of the Land and Environment Select Committee". Council Chamber, Inverness, Thursday 7 November 2002.

The Scottish Executive. 2003. "Land Reform (Scotland) Act 2003".

The Scottish Land Court. 2002. "Historical Background". www.scottish-land-court.org.uk

The Scottish Office, 1999. "National Planning Policy Guideline, NPPG 14: Natural Heritage". The Edinburgh Stationary Office.

The Scottish Office. Feb 1998. "Land Reform Policy Group: Identifying the Problems". SE/1999/1. The Stationary Office, Edinburgh.

The Scottish Office. Jan 1999. "Land Reform Policy Group: Recommendations for Action". SE/1999/1. The Stationary Office, Edinburgh.

The Scottish Office. Sep 1998. "Land Reform Policy Group: Identifying the Solutions". SE/1999/1.

The Stationary Office, Edinburgh.

Tylden-Wright, R. 1999. "Case Study Two: The Laggan Forest Partnership". In Boyd, G. and Reid, D. 1999. "Social Land Ownership: Case Studies" Volume I, April 1999. Not-for-Profit Landowners Project Group, Inverness. At www.caledonia.org.uk/soicalland.htm

UK Biodiversity Partnership, 1992. "UK Biodiversity Action Plan). UK Government and UK Biodiversity Action Plan. Available at www.uk.bap.org.uk.

Toke, D. 2000. "Policy Network Creation: The Case of Energy Efficiency". *Public Administration*. Vol. 78. No. 4, 2000 (835-854). Blackwell Publishers Ltd., Malden, USA.

Van Der Heijden, H-A. 1997. "Political Opportunity Structure and the Institutionalisation of the Environmental Movement". *Journal of Environmental Politics*. Volume 6 No. 4, Winter 1997: 20/50, Frank Cass Publishers Ltd.

Warriner, D. 1969. *Land Reform in Principle and Practice*. Clarendon Press: Oxford. ISSN 1356-9228.

WCED (World Commission on Environment and Development). 1987. *Our Common Future*. Oxford University Press, Oxford.

West Highland Free Press, 27.02.2004

Wickham-Jones CR. 2001. *The Landscape of Scotland: A Hidden History*. Tempus Publishing Ltd., Stroud.

Wightman A. 1999. *Scotland, Land and Power: The Agenda for Land Reform*, Luath Press, Edinburgh.

Wightman, A, 1997, *Who Owns Scotland?* Edinburgh, Canongate Books.

Wightman, A. 1999. "Land Reform: Politics, Power & the Public Interest: The 6th McEwen Memorial Lecture". At www.caledonia.org.uk/soicalland.htm.

Wightman, A. and Boyd, G. 2001. "Not-for-Profit Landowning Organisations in the Highlands and Islands of Scotland: Sector Review 2001". At www.caledonia.org.uk/soicalland.htm.